



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 27, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### Stolen.

The Government Promissory Note No. 056278 of the  $3\frac{1}{4}$  per cent. loan of 1854-55 for Rs. 2,000 originally standing in the name of Shama Pada Sreemaney and last endorsed to Ram Kumar Basu, the proprietor, by whom it was never endorsed to any other person, having been stolen, notice is hereby given that payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of Duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

RAM KUMAR BASU,  
Residence—Nawabgunge, Rangpur.

### Lost or Stolen.

The Government Promissory Notes Nos. 016272 of the  $3\frac{1}{4}$  per cent. loan of 1842-43 for Rs. 2,000 and 025340 of the  $3\frac{1}{4}$  per cent. loan of 1865 for Rs. 1,000 originally standing in the name of Chunder Nath Chukkerbutty by whom they were never endorsed to any other person, having been lost or stolen, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that an application is about to be made for the issue of duplicates in favour of the Comptroller General. The public are cautioned against purchasing or otherwise dealing with the above-mentioned securities.

O. T. BARROW,  
Comptroller General.

**Stolen.**

The Government Promissory Notes Nos. B 042171 of the 3½ per cent. loan of 1865 and 042808 of the 3½ per cent. loan of 1900-01 for Rupees 1,000 each originally standing in the name of the Bank of Bombay and the Bank of Bengal, respectively, and last endorsed to Sorabji Framji Augra, the proprietor, by whom they were never endorsed to any other person, having been stolen, notice is hereby given that payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of Duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

Name of Advertiser—SORABJI FRAMJI AUGRA.

Residence—Solakoti Building, Grant Road, Bombay

**Destroyed.**

The Government Promissory Notes Nos. O22750, O22751, O22752, and O22753 of the 3½ per cent. loan of 1900-1 for Rs500 (five hundred each) originally standing in the name of Prosad Dass Boral Bros. and last endorsed to Hoardur Kha, the proprietor, by whom they were never endorsed to any other person, having been destroyed, notice is hereby given that payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

Name of advertiser—HOARDUR KHA.

Residence—Matiabrooz Out-post, Garden Reach Post Office.



# The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 4, 1909.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### Stolen.

The Government Promissory Notes Nos. B 042171 of the  $3\frac{1}{2}$  per cent. loan of 1865 and 042808 of the  $3\frac{1}{2}$  per cent. loan of 1900-01 for Rupees 1,000 each originally standing in the name of the Bank of Bombay and the Bank of Bengal, respectively, and last endorsed to Sorabji Framji Augra, the proprietor, by whom they were never endorsed to any other person, having been stolen, notice is hereby given that payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of Duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

Name of Advertiser—SORABJI FRAMJI AUGRA.

Residence—Solakoti Building, Grant Road, Bombay.

### Destroyed.

The Government Promissory Notes Nos. O22750, O22751, O22752, and O22753 of the  $3\frac{1}{2}$  per cent. loan of 1900-1 for Rs500 (five hundred each) originally standing in the name of Prosad Dass Boral Bros. and last endorsed to Hoardur Kha, the proprietor, by whom they were never endorsed to any other person, having been destroyed, notice is hereby given that payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

Name of advertiser—HOARDUR KHA.

Residence—Matiabrooz Out-post, Garden Reach Post Office.

### Lost.

The undermentioned Interest Warrant issued in my name :

No. 61430 of the  $3\frac{1}{2}$  per cent. loan of 1900-01 for Rs136-5-8 favouring Jogendra Nath Gupta.

The payment of the Warrant has been stopped in the Public Debt Office, Bank of Bengal, Calcutta, and application for duplicate of the Warrant is about to be made to that Office.

Name of Advertiser—JOGENDRA NATH GUPTA,

Residence.—Chapta, *via* Khanyan, E. I. Ry.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the quarter ending 31st January 1909, being the third quarter of the year, 1908-09, compared with the corresponding quarter of the year 1907-08.

PARTICULARS.	For the quarter ending 31st January 1909.		For the quarter ending 31st January 1908.		Increase.		Decrease.	
Balance in favour of the Fund at the end of the previous quarter	R	a. p.	R	a. p.	R	a. p.	R	a. p.
	1,53,74,130	14 5	1,53,47,982	12 8	26,148	1 9	.....	.....
<b>ADD INCOME—</b>								
Subscriptions from 1st November to 31st January in the Widows' Fund	1,00,723	2 0	1,04,553	7 6	.....	.....	3,830	5 6
Subscriptions from 1st November to 31st January in the Children's Fund	46,072	3 6	49,851	11 0	.....	.....	3,779	7 6
Fees and stamps	2	0 0	11	8 0	.....	.....	9	8 0
Income and outlay on office buildings and grounds	1,223	6 6	946	4 0	277	2 6	.....	.....
Amount at credit of subscribers under Rule 55 transferred to Divisible Surplus	100	8 0	.....	.....	100	8 0	.....	.....
Amount of Fine imposed on subscriptions in arrears	23	10 8	35	2 8	.....	.....	11	8 0
<b>TOTAL INCOME</b>	<b>1,48,144</b>	<b>14 8</b>	<b>1,53,393</b>	<b>1 2</b>	<b>377</b>	<b>10 6</b>	<b>7,630</b>	<b>13 0</b>
<b>GRAND TOTAL</b>	<b>1,55,22,275</b>	<b>13 1</b>	<b>1,55,03,380</b>	<b>13 10</b>	<b>26,525</b>	<b>12 3</b>	<b>7,630</b>	<b>13 0</b>
<b>DEDUCT EXPENDITURE—</b>								
Pensions payable to incumbents in the Widows' Fund	1,75,625	10 10	1,77,730	0 8	.....	.....	2,104	5 10
Pensions payable to incumbents in the Children's Fund	94,497	11 10	95,624	5 0	.....	.....	1,126	9 2
Establishment and contingencies	10,093	14 2	10,563	11 3	.....	.....	469	13 1
Loss by exchange on remittances out of India	14,480	9 3	13,179	9 2	2,301	0 1	.....	.....
Commission paid for money-orders, etc.	713	12 6	737	9 0	.....	.....	43	12 6
<b>TOTAL EXPENDITURE</b>	<b>2,95,411</b>	<b>10 7</b>	<b>2,96,855</b>	<b>3 1</b>	<b>82,301</b>	<b>0 1</b>	<b>3,744</b>	<b>8 7</b>
<b>Balance in favour of the Fund</b>	<b>1,52,26,864</b>	<b>2 6</b>	<b>1,52,06,525</b>	<b>10 9</b>	<b>24,224</b>	<b>12 2</b>	<b>3,886</b>	<b>4 5</b>
<b>GRAND TOTAL</b>	<b>1,55,22,275</b>	<b>13 1</b>	<b>1,55,03,380</b>	<b>13 10</b>	<b>26,525</b>	<b>12 3</b>	<b>7,630</b>	<b>13 0</b>
Proportion of divisible surplus payable to qualified members of more than five years' standing	92,910	15 0	83,030	13 0	9,880	2 0	.....	.....

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of subscribers (on 31st January)	1,017	601	1,057	638	...	...	40	37
Ditto of incumbents (on 31st January)	704	853	723	862	...	...	19	9
Ditto of subscribers sharing abatement (on 1st May).	1,041	580	1,070	604	...	...	35	24

A.—Net increase in grand total of Income	R	a. p.
B.—Net decrease in total Expenditure	18,894	15 3
C.—Net increase in Balance	1,443	8 6
	20,338	7 9

J. P. JONES,  
Offg. Auditor.  
J. C. C. GRAY,  
Auditor,

Published by order of the Directors,

J. M. MENDES,  
Accountant.

RIVERS HOWE,  
Secretary.

U. S. F. P. Fund Office ;  
Calcutta, the 16th October 1909.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, DECEMBER 11, 1909.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

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### Destroyed.

The Government Promissory Notes Nos. O22750, O22751, O22752, and O22753 of the  $3\frac{1}{2}$  per cent. loan of 1900-1 for Rs500 (five hundred each) originally standing in the name of Prosad Dass Boral Bros. and last endorsed to Hoardur Kha, the proprietor, by whom they were never endorsed to any other person, having been destroyed, notice is hereby given that payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

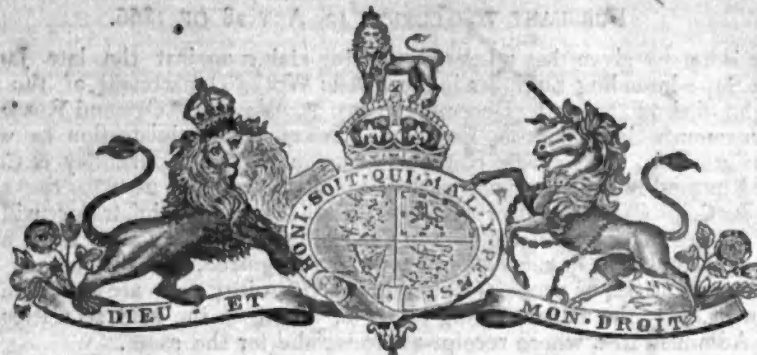
Name of advertiser—HOARDUR KHA.  
Residence—Matiabrooz Out-post, Garden Reach Post Office.

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### Lost.

The undermentioned Interest Warrant issued in my name :  
No. 61430 of the  $3\frac{1}{2}$  per cent. loan of 1900-01 for Rs136-5-8 favouring Jogendra Nath Gupta.  
The payment of the Warrant has been stopped in the Public Debt Office, Bank of Bengal, Calcutta, and application for duplicate of the Warrant is about to be made to that Office.

Name of Advertiser—JOGENDRA NATH GUPTA,  
Residence—Chapta, *vid* Khanyan, E. I. Ry.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### Lost.

The undermentioned Interest Warrant issued in my name :

No. 61430 of the  $3\frac{1}{4}$  per cent. loan of 1900-01 for R136-5-8 favouring Jogendra Nath Gupta.

The payment of the Warrant has been stopped in the Public Debt Office, Bank of Bengal, Calcutta, and application for duplicate of the Warrant is about to be made to that Office.

Name of Advertiser—**JOGENDRA NATH GUPTA,**

Residence—Chapta, *vid* Khanyan, E. I. Ry.

### LOST.

The Government Promissory Note No. 054290 of  $3\frac{1}{4}$  per cent. loan of 1854-55 for Rs500 originally standing in the name of the Bank of Bengal and last endorsed to Ram Gopal Talapatra, deceased, the proprietor, by whom it was never endorsed to any other person, having been lost, notice is hereby given that payment of the above note and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicate in favour of the certificate-holders in the estate of the deceased proprietor. The public are cautioned against purchasing or otherwise dealing with the above mentioned security.

**MONMOTHO RANJAN TALAPATRA and**

**PROMOTHO RANJAN TALAPATRA, Jalpaiguri,**

Certificate-holders' estate

**RAM GOPAL TALAPATRA,**

deceased.

## ESTATE J. T. SIMPSON, DECEASED.

PURSUANT TO SECTION 42, ACT 28 OF 1866.

Notice is hereby given that all persons having claims against the late James Thomas Simpson, a Superintending Engineer in the Public Works Department of the Government of India, who died on the 27th December 1907 at Wayside, Ormond Road, Branksome Park, Bournemouth, Southampton, England, Letters of Administration to whose Estate have been granted to George Roberts Johnston, of Messrs. Grindlay & Co., Calcutta, are required to send in the same on or before 21st January next to the said Messrs. Grindlay & Co., Calcutta, after which date the said Administrator will proceed to administer the assets having regard only to the claims of which he shall then have received notice, and no claims sent in subsequently will be recognized, and all persons indebted to or holding any securities or property belonging to the said Estate are also hereby requested to pay without delay the amount owing by them, or deliver the said securities or property to the said Administrator, whose receipt alone is valid for the same.

G. R. JOHNSTON,

Administrator to Estate J. T. Simpson, deceased.

CALCUTTA;

The 10th December 1909.

IN THE COURT OF LALA SURAJ NARAYAN, M.A., MUNSIFF, 2ND CLASS,  
JAGADHRI, DISTRICT AMBALA.

CIVIL SUIT NO. 1178 OF 1909.

Kirpa Ram, son of Bhagwan Dass, caste Banya, resident of Jagadhri, District  
Ambala . . . . . Plaintiff,

versus

Mohammad Bakhsh, son of Amir Ali, caste Dyer, resident of Jagadhri, at present Sub-  
Overseer at Panna, of Barah State, in Rohilkhand, through Mohammad Sadiq, Supervisor  
Canal Department, Panna State . . . . . Defendant.

Claim for Rs363-2 principal and interest on a bond dated 21st May 1908.

In the abovementioned case summonses were sent twice for service on Mohammad Bakhsh, defendant, but they could not be served on him. The plaintiff has satisfied this Court by his affidavit that the defendant is keeping out of the way for the purpose of avoiding service of summons and that the summons cannot be served in the ordinary way. Notice is accordingly hereby given to the abovenamed defendant that the 21st day of December 1909 at 10 A.M. has been fixed for final disposal of this case. In case of default on his part the case will be heard *ex parte*.

Given under my hand and the seal of this Court this 22nd day of November 1909.

SURAJ NARAYAN,

Munsiff, 2nd class, Jagadhri, District Ambala.





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CALCUTTA, SATURDAY, DECEMBER 25, 1909.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### STOLEN.

The Government Promissory Note No. 097064 of the  $3\frac{1}{2}$  per cent. loan of 1854-55 for Rs200 originally standing in the name of the Bank of Bengal and last endorsed to the undersigned, the proprietor, by whom it was never endorsed to any other person, having been stolen, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the abovementioned security.

Name of the Advertiser—HARIHAR CHATTERJEE, B. L.,  
Place of Residence—1 Nabin Sircar's Lane, Calcutta.

### LOST, STOLEN OR DESTROYED (AS THE CASE MAY BE).

The Government Promissory Notes Nos. Bo 29471 and Bo 29472 of the  $3\frac{1}{2}$  per cent. Loan of 1842-43, two for Rs100 each; No. Bo 38020 of the  $3\frac{1}{2}$  per cent. Loan of 1854-55 for Rs500, Nos. Bo 49544 and Bo 49618, two for Rs100 each, Bo 48981 and Bo 49155, two for Rs500 each and Bo 48987 for Rs1000 of the  $3\frac{1}{2}$  per cent. Loan of 1865; Nos. Bo 22507 for Rs100, Bo 22482 and Bo 22701 two for Rs500 each of the  $3\frac{1}{2}$  per cent. Loan of 1900-01 originally standing in the name of Shankar Gopal Ranade, by whom they were never endorsed to any other person, having been lost, stolen or destroyed, notice is hereby given that payment of the above notes and the interest thereupon have been stopped at the Public Debt office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of Duplicate in favour of the undersigned. The public are cautioned against purchasing or otherwise dealing with the abovementioned securities.

Name of the Advertiser—DAMODAR VISHNU VAIDYA,  
Residence—C/o Messrs. Raghavayya Bhimji & Nagindas,  
Solicitors, High Court,  
No. 50-52, Meadows Street, Fort, Bombay.



## THE HINDU FAMILY ANNUITY FUND.

Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the quarters ended 30th June 1908, 30th September 1908 and 31st December 1908.

RECEIPTS.	Quarter ended 30th June 1908.	Quarter ended 30th September 1908.	Quarter ended 31st December 1908.	PAYMENTS.	Quarter ended 30th June 1908.	Quarter ended 30th September 1908.	Quarter ended 31st December 1908.
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.
General Subscription . . .	8,433 9 4	8,021 14 3	7,806 7 3	Annuity . . .	9,185 13 9	9,215 7 6	9,045 9 3
Interest . . .	16,048 9 3	0 3 3	17,062 11 3	Government of India for Deposit	25,485 0 4	9,154 13 6	24,819 14 6
Miscellaneous Receipts . . .	504 0 10	9 6 0	5 2 0	Government Securities in deposit with the Government of India . . .	...	...	25,000 0 0
Government of India for expenditure . . .	12,000 0 0	12,500 0 0	32,555 9 5	Deposits . . .	...	3 9 0	...
Entrance Fee . . .	16 0 0	8 0 0	5 0 0	Deposit Abatement . . .	75 4 2	5 7 0	50 11 6
Deposits . . .	37 14 3	43 1 0	30 1 0	Advances Recoverable . . .	...	...	92 5 10
Advances recoverable . . .	114 3 9	...	...	Interest on Reserve Fund . . .	4,081 0 6	...	...
Investment Account . . .	...	...	1,268 0 5	Do. on Employe's Security Deposit . . .	30 0 0	...	...
Guarantee Fund . . .	382 10 7	10 0 0	...	Relief Fund . . .	478 12 9	167 11 3	...
Relief Fund . . .	936 10 5	...	...	Expenses of management . . .	1,899 2 3	1,182 1 0	1,202 6 0
Special Relief Fund . . .	705 5 2	...	...	Closing Balance . . .	1,416 12 9	3,046 5 6	2,647 2 9
Abatement Fund . . .	1,791 15 6	...	...				
Opening Balance . . .	2,006 0 0	2,182 14 3	4,036 2 6				
TOTAL . . .	42,651 15 1	23,675 6 9	62,859 1 10	TOTAL . . .	42,651 15 1	23,675 6 9	62,859 1 10

Published by order of the Directors agreeably to Rule 98.

UMA CHARAN GHOSH,  
DWARKA NATH BANERJI,  
Auditors.

UPENDRA LAL BANERJI, M.A.,  
Offg. Secretary  
N. L. MAZUMDAR, M.A.,  
Asst. Secretary and Accountant

No. 1, MIRZAPUR STREET, CALCUTTA;  
Dated 19th December 1909.

## UNCOVENANTED SERVICE FAMILY PENSION FUND.

## NOTICE.

The Seventy-second Annual General Meeting of subscribers to the above Fund, will be held in the Town Hall on Saturday, the 29th January 1910, at 3 P. M., (1) to receive the Report of the Directors; (2) to lay before the Meeting the books of the Fund together with an abstract statement of the accounts and a list of subscribers and incumbents, in accordance with Fund Rule 58; (3) and to fill by election, under Rule 5, the three vacancies caused by the retirement by rotation of three Directors; and (4) to elect Auditors for the ensuing year as required by Rule 8.

By order of Directors,  
RIVERS HOWE,  
Secretary.

CALCUTTA;  
The 23rd December 1909.

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**ESTATE J. T. SIMPSON, DECEASED.**

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PURSUANT TO SECTION 42, ACT 28 OF 1866.

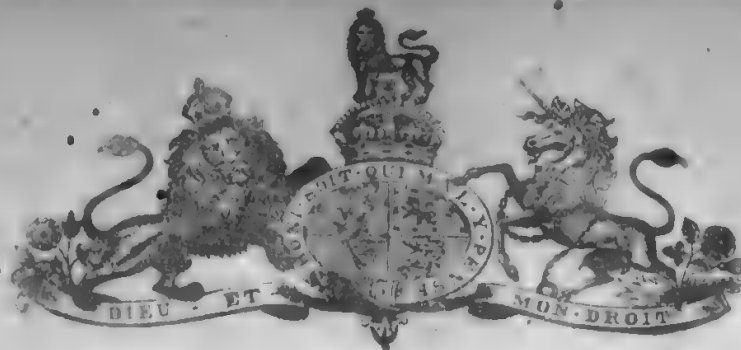
Notice is hereby given that all persons having claims against the late James Thomas Simpson, a Superintending Engineer in the Public Works Department of the Government of India, who died on the 27th December 1907 at Wayside, Ormond Road, Branksome Park, Bournemouth, Southampton, England, Letters of Administration to whose Estate have been granted to George Roberts Johnston, of Messrs. Grindlay & Co., Calcutta, are required to send in the same on or before 21st January next to the said Messrs. Grindlay & Co., Calcutta, after which date the said Administrator will proceed to administer the assets having regard only to the claims of which he shall then have received notice, and no claims sent in subsequently will be recognized, and all persons indebted to or holding any securities or property belonging to the said Estate are also hereby requested to pay without delay the amount owing by them, or deliver the said securities or property to the said Administrator, whose receipt alone is valid for the same.

G. R. JOHNSTON,

Administrator to Estate J. T. Simpson, deceased.

CALCUTTA;

The 20th December 1909.



# The Gazette of India.

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SIMLA, SATURDAY, AUGUST 28, 1908.

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## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th August, 1909, and is hereby promulgated for general information :

#### ACT NO. VI OF 1909.

*An Act further to amend the Indian Volunteers Act, 1869.*

XX of 1869. WHEREAS it is expedient further to amend the Indian Volunteers Act, 1869; It is hereby enacted as follows :—

1. This Act may be called the Indian Volunteers (Amendment) Act, 1909.  
Short title.

2. After section 29 of the Indian Volunteers Act, 1869, the following section shall be inserted, namely: XX of 1869

“ 30. Any member of the Territorial Force, raised and maintained in pursuance of section 6 of the Territorial and Reserve

Forces Act, 1907, who is attached to a corps of volunteers formed under this Act, shall be subject to the provisions of this Act during the period for which he is so attached.” Edw. 7, o.

J. M. MACPHERSON

Secretary to the Government of India



# The Gazette of India.

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SIMLA, SATURDAY, OCTOBER 23, 1909.

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## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd October, 1909, and is hereby promulgated for general information :

ACT NO. VII OF 1909.

*In Act to remove doubts as to the validity of the marriage ceremony common among the Sikhs called Anand.*

WHEREAS it is expedient to remove any doubts as to the validity of the marriage ceremony common among the Sikhs called Anand ; is hereby enacted as follows :—

I. (1) This Act may be called the Anand Marriage Act, 1909; and

(2) It extends to the whole of British India.

2. All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law.

3. Nothing in this Act shall apply to—

- (a) any marriage between persons not professing the Sikh religion, or
- (b) any marriage which has been judicially declared to be null and void.

4. Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs.

5. Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal.

J. M. MACPHERSON,

Secretary to the Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 1909.

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## PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 28.

### GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th July, 1909 :

NO. 3 OF 1909.

### THE INDIAN FACTORIES BILL.

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12. Provision of latrines and urinal accommodation.

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## Marginal references :

A.—Existing Act.

B.—Commissioner's Draft.

*A Bill to Consolidate and amend the law regulating labour in factories.*

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories ; It is hereby enacted as follows :—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Indian Factories Act, 1909

Short title, commencement and extent.

- (2) It shall come into force on ; and

- (3) It extends to the whole of British India.

2. In this Act, unless there is anything repugnant in the subject or context,—

- 35.] (1) "child" means a person who is under the age of fourteen years :

- 6.] (2) a person who works in a factory, whether "Employed." for wages or not,—

- (a) in a manufacturing process or handicraft, or

- (b) in cleaning any part of the factory used for any manufacturing process or handicraft, or

- (c) in cleaning or oiling any part of the machinery, or

- (d) in any other kind of work whatsoever incidental to, or connected with, the

manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein :

- (3) a person shall not be deemed to be [B, cl. 2 (7).]

"Actually employed" means any period notified under section 37 for which all work in a factory is discontinued :

- (4) "factory" means any premises wherein steam, water or other mechanical power is used

in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article ; and every part of a factory shall be deemed to be a factory except any part used exclusively as a dwelling :

Provided that nothing in this definition shall apply to—

- (a) any indigo-factory, or
- (b) any premises situated on and used solely for the purposes of a tea or coffee plantation, or

- (c) any factory wherein less than fifty persons are on any day simultaneously employed :

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine :

- (6) "prescribed" means prescribed by rules made

under this Act :

- (7) "system of shifts" means a system of relays in which the time of the beginning and ending of the actual employment of each person in each relay is fixed :

- (8) "textile factory" means a factory where- [B, cl. 7 (2).]

"Textile factory." in is carried on any process for or incidental to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof :

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works and hat works shall not be deemed to be textile factories : and

- (9) "week" means the period between midnight on Sunday night and midnight on the succeeding Sunday night.

## CHAPTER II.

## INSPECTORS AND CERTIFYING SURGEONS.

3. (1) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

- (2) Every such inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

- (3) The District Magistrate shall, have the XLV of 1860 powers of an inspector under this Act.

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4. Subject to any rules in this behalf, an inspector may, within the local limits for which he is appointed,—

- (a) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;
- (b) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying this Act into effect.

5. The Local Government may appoint such persons practising medicine or surgery as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

6. A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

[B. cl. 6 (3).] 7. A certifying surgeon may authorize any qualified medical practitioner to exercise the functions assigned to him by section 6, and may revoke such authority:

Provided that a certificate issued by a medical practitioner so authorized shall not, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the issue thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

## CHAPTER III.

## HEALTH AND SAFETY.

[B. cl. 17.] 8. The following provisions shall apply to every factory:—

(a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance;

[B. cl. 17.] (b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

[B. cl. 17.] (c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

9. If in a factory in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager an order in writing, directing that a fan or other mechanical means of proper construction for preventing such inhalation be provided, maintained and used within a reasonable time. [B. cl. 18.]

10. (1) Every factory shall be sufficiently lighted. [B. cl. 19.]

(2) In the case of any factory which is not, in the opinion of the inspector, so lighted, the inspector may serve on the manager of the factory an order in writing specifying the measures necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

11. In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified to the satisfaction of the inspector before being used for the purpose of producing humidity. [B. cl. 20.]

12. Every factory shall be provided with suitable latrine accommodation, and, if the Local Government so requires, with separate urinal accommodation for the persons employed in the factory. [B. cl. 21.]

13. In every factory there shall be maintained a sufficient water-supply for the use of the persons employed in the factory. [B. cl. 22.]

14. In every factory, the construction of which is commenced after the commencement of this Act, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards. [B. cl. 23.]

15. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case. [B. cl. 24.]

(2) In the case of any factory which is not so provided the inspector may serve on the manager of the factory an order in writing specifying the measures necessary for providing such means of escape, and requiring him to carry them out before a specified date.

16. No smoking shall be permitted and no naked lights shall be used in the immediate vicinity of any inflammable material in any factory. [B. cl. 25.]

17. (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power in any part of a factory, every part of a steam-engine or water-wheel, and every other

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*(Chapter III.—Health and Safety. Chapter IV.—Hours of Employment and Holidays. Chapter V.—Textile Factories.)*

part of the machinery or mill-gearing of a factory which may, in the opinion of the inspector, be dangerous if left unfenced, shall, while the same is in motion, and

(b) every hoist or teagle, and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, shall at all times be kept by the manager of such factory securely fenced to the satisfaction of, and in accordance with any orders given by, the inspector.

B, cl. 26.] 18. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

B, cl. 27.] 19. No woman or child shall be employed in a factory for pressing cotton in the vicinity of a cotton-opener.

*Explanation.*—If the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, then women and children employed in the room in which the feed-end is situated shall not be deemed to be employed in the vicinity of the cotton-opener.

B, cl. 18 (2) & 25 (2).] 20. Any person on whom an order under section 9, section 10, section 15 or section 17 has been served may within seven days appeal against such order to the Local Government or such authority as it may appoint in this behalf who may confirm, modify or reverse any such order.

#### CHAPTER IV.

##### HOURS OF EMPLOYMENT AND HOLIDAYS.

21. In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

*Exceptions.*—Nothing in this section shall apply to—

(a) any factory in which a system of shifts approved by the inspector is in force, or

(b) any kind of work exempted from the operation of this section by rules.

22. (1) The manager of a factory shall allow not less than one whole holiday in each week to every person employed in such factory.

(2) Unless the manager gives general or special notice to the inspector that in the case of all or any of the persons employed in his factory the holiday prescribed by sub-section (1) will be allowed on a day other than Sunday, such holiday shall be allowed on Sunday.

(3) Any person who is employed in a factory on a holiday fixed by or in pursuance of this section shall be deemed to be employed contrary to the provisions of this Act.\*

*Exception.*—Nothing in this section shall apply to any foreman, mechanic, artisan or labourer, working only in repairing either the machinery in or any part of a factory.

23. Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, exempt any class of factories or any class of persons employed in factories from the operation of section 21 or section 22.

24. With respect to the employment of children in factories the following provisions shall apply:—

(a) no child shall be employed in any factory unless he is in possession of a certificate granted under section 6 showing that he is not less than nine years of age and is fit for employment in a factory;

(b) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(c) no child shall be employed in any factory for more than eight and a half hours in any one day;

(d) no child shall be actually employed in any factory for more than seven hours in any one day.

25. With respect to the employment of women in factories the following provisions shall apply:—

(a) no woman shall be employed in any factory, except a factory for ginning cotton, before half-past five o'clock in the morning or after seven o'clock in the evening;

(b) no woman shall be actually employed in any factory for more than eleven hours in any one day.

26. No woman or child shall be employed on any day in any factory who has to the knowledge of the manager already been employed on the same day in any other factory.

27. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

#### CHAPTER V.

##### TEXTILE FACTORIES.

28. No person shall be actually employed in any textile factory for more than twelve hours in any one day.

*Exception.*—Nothing in this section shall apply to any case exempted by rules from the operation thereof.



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(Chapter V.—Textile Factories. Chapter VI.—Notices and Registers.  
Chapter VII.—Rules.)

29. No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

*Exception.*—Nothing in this section shall apply to any case exempted by rules from the operation thereof.

30. The period for which mechanical power is used in any textile factory shall not in any one day exceed twelve hours.

*Exception.*—Nothing in this section shall apply to any case exempted by rules from the operation thereof.

31. Nothing in section 29 or section 30 shall apply to any factory for ginning cotton or for pressing cotton or jute, or to any factory in which a system of shifts approved by the inspector is in force.

32. No child shall be actually employed in any textile factory for more than six hours in one day.

33. The Governor General in Council may, by notification in the Gazette of India, apply all or any of the provisions of this Chapter to any other specified class of factories.

## CHAPTER VI.

## NOTICES AND REGISTERS.

B. cl. 34.] 34. (1) Every person shall, within one month after he begins to occupy a factory, send to the inspector a written notice containing the name of the factory and of the place where it is situate, the address to which he desires his letters to be directed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the manager of the factory.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change was made, written notice of the change.

A. cl. 28.] 35. When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of such accident to such authorities in such form and within such time as may be prescribed.

A. cl. 13.] 36. In every factory there shall be kept a register of the children (if any) employed in such factory, and of their respective employment, and a register of all other persons below the age of sixteen years employed in the factory.

37. (1) There shall be affixed in some conspicuous place near the main entrance of every factory a notice in English and the language of the majority of the operatives in such factory showing for the current month—

- (a) the periods during which all work is discontinued under section 21;
- (b) any other periods of not less than half an hour during which all work is discontinued;
- (c) the hours of beginning and ending work for each shift (if any);
- (d) the hours of employment of women (if any);
- (e) the hours of employment of children (if any) according to the different sets; and
- (f) the dates of the holidays prescribed by section 22.

(2) A copy of the notice prescribed by subsection (1) shall be sent to the inspector so as to reach him not later than the first day of each month.

## CHAPTER VII.

## RULES.

38. (1) Subject to the control of the Governor General in Council, the Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the inspection of factories;
- (b) the manner in which inspectors are to exercise the powers conferred on them by this Act;
- (c) the duties to be performed by certifying surgeons;
- (d) the form of the certificate prescribed by section 6;
- (e) the methods to be adopted in order to secure cleanliness and freedom from effluvia;
- (f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;
- (g) standards of sufficient ventilation, and the methods to be adopted in order to secure their observance;
- (h) standards of latrine and urinal accommodation;
- (i) standards of water-supply;
- (j) exemptions from the operation of section 21, section 28, section 29 or section 30, and the conditions on which such exemptions shall be granted;
- (k) the form of the notice prescribed by section 35, and the time within which and the authority to whom it shall be sent;

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(l) the form of the registers prescribed by section 36; and

(m) the manner in which appeals under this Act shall be presented and heard.

39. The Governor General in Council may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in his opinion be necessary for the effectual carrying out of this Act.

40. The power to make rules conferred by clause (e), clause (f), clause (g) and clause (i) of section 38 and by section 39 is subject to the condition of the rules being made after previous publication.

41. Rules made under this Chapter shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall thereupon have effect as if enacted in this Act.

## CHAPTER VIII.

## PENALTIES AND PROCEDURE.

42. Any manager of a factory who—

(a) employs any person, or allows any person to be employed, contrary to any of the provisions of this Act;

(b) neglects to comply with any of the provisions of sections 8 and 10 for cleanliness, over-crowding, ventilation, and lighting;

(c) neglects to comply with the provisions of section 11;

(d) neglects to provide latrine or urinal accommodation in accordance with the provisions of section 12;

(e) neglects to maintain a sufficient supply of water for the persons employed in accordance with the provisions of section 13;

(f) constructs and maintains any door in contravention of section 14;

(g) neglects to comply with any order of an inspector under sections 9 and 15;

(h) neglects to fence any machinery, mill-gearing, hoist, teagle or opening as required by section 17;

(i) neglects to keep the registers prescribed by section 36;

(j) neglects to set up and maintain the notice required by section 37 or to send a copy thereof to the inspector;

(k) neglects to furnish any notice or return required by this Act, or by rules made under it;

shall be punishable with fine which may extend to two hundred rupees:

Provided that—

(i) no prosecution under this section shall be instituted except by, or with the previous sanction of, the inspector;

(ii) no prosecution under clause (e) or clause (g) of this section shall be

instituted until either the time prescribed by section 20 for the presentation of an appeal has expired or such appeal, if made, has been determined;

(iii) no person shall be liable in respect of a repetition of the same kind of offence from day to day to a fine exceeding two hundred rupees, except—

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the previous offence; or

(b) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Act.

Penalties for certain offences. 43. Any person who—

(a) wilfully delays an inspector in the exercise of any power under section 4, or fails to produce, on demand by an inspector, any registers or other documents, kept in pursuance of this Act, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(b) smokes or uses naked lights in the immediate vicinity of any inflammable material in contravention of section 16; or

(c) does or omits to do any other act prohibited or prescribed by this Act or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees:

Provided that no one shall be required to answer any question or to give any evidence to incriminate himself.

44. Any person who knowingly uses or attempts to use as a certificate granted to himself under section 6, a certificate granted to another person under that section, or who, having procured a certificate under the said section, knowingly allows it to be used or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

45. If a person over the age of six years is found inside any room or other part of a factory in which any manufacturing process or work incidental to any manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in that factory.

46. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under such age, it shall be on the accused to prove that such person is not under such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a

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person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

## CHAPTER IX.

## SUPPLEMENTAL PROVISIONS.

[A. s. 20.] 47. The Local Government may, by notification <sup>Power to extend in the local official Gazette, application of Act.</sup> apply all or any of the provisions of this Act to all or any factories, not being indigo-factories or premises situated on and used solely for the purposes of a tea or coffee plantation, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed.

48. The Local Government may, by notification <sup>Special provision regarding computation of time.</sup> in the local official Gazette, direct, in respect of any area in which the hours of the day are not ordinarily reckoned according to local mean time, that for the hours specified in section 24, clause (2), section 25, clause (a), and section 29, hours reckoned according to the standard of time ordinarily observed in such area shall be substituted :

Provided that no direction made under this section shall authorize a variation of more than fifteen minutes from the hours specified in the said sections.

49. This Act shall apply to factories belonging <sup>[A. s. 29]</sup> to the Crown.  
<sup>Application to Crown factories.</sup>

50. In case of any public emergency, <sup>Powers to exempt from Act.</sup> the Local Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as it thinks fit.

51. The Governor General in Council may, if <sup>Exercise of powers by Governor General in Council.</sup> he thinks fit, exercise any power which is by this Act conferred upon the Local Government.

52. The Indian Factories Act, 1881, and the <sup>XV of 1881.</sup> Indian Factories Act, 1891, <sup>XI of 1891.</sup> are hereby repealed :  
<sup>Repeal and savings.</sup>

Provided that all appointments made and all certificates given under the said Acts shall be deemed to have been made or given under this Act.

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to consolidate and amend the law in India relating to factories. The Indian Factories Acts of 1881 and 1891 will be repealed and the new Act will take their place. The Report submitted by the Factory Labour Commission in 1908 disclosed the existence of abuses in factories, particularly in connection with the employment of children and the length of the hours for which the operatives generally were employed. The Commission made proposals with the object of checking these abuses, and also submitted proposals for strengthening the law on several points so that inspection might be more effective and the administration of the law improved. It is now proposed to undertake legislation to give effect to these recommendations in so far as they have been approved by Government. The opportunity has been taken to remodel the framework of the existing law, and to redraft several of its provisions.

2. The report of the Commission showed that excessive hours were not worked except in textile factories. The restrictions which it is considered necessary to impose in the case of textile factories are the following :—

- (1) No person shall be actually employed for more than 12 hours in any one day.
- (2) No person shall be employed before 5-30 in the morning or after 7 in the evening.
- (3) The period for which mechanical power is used shall not in any one day exceed 12 hours.
- (4) No child shall be employed for more than 6 hours in any one day.

Of the above restrictions, the second and third will not apply to any factory in which a system of shifts approved by the inspector is in force, nor to any factory for ginning cotton or for pressing cotton or jute. Power is also taken to grant exemption in special cases from restrictions (1), (2) and (3).

The Government of India will be empowered to extend by notification the provisions of the law relating to textile factories to any other specified class of factories should the necessity arise. In the case of non-textile factories, certain new restrictions have been proposed in the case of women and children, which are explained in the notes on clauses 24 and 25.

3. The existing Act contains no substantive provisions providing for the health and safety of the operatives, except one section which deals with the fencing of machinery. In accordance with the recommendation of the Factory Labour Commission, a number of provisions for securing the health and safety of the operatives have been included in

Chapter III of the Bill. These provisions are in some cases borrowed from the English Factory and Workshop Act of 1901, and in others are based on rules which are already in force in several Provinces.

4. Several provisions have been inserted in the Bill with the object of making inspection more effective, increasing the powers of the inspectors and providing generally for the better administration of the Act. The existing law makes the occupier of the factory primarily liable for any breach of its provisions and of the rules and orders made thereunder. It has been found difficult to enforce this responsibility, and in the Bill it is now proposed that, in place of the occupier, the manager of the factory shall be held responsible when any offence is committed against the Act.

5. The important changes in the law are explained in the subjoined notes on clauses.

The 27th July 1909.

W. L. HARVEY.

#### Notes on Clauses.

##### Clause 2.—

*Sub-clause (2).*—A definition of the term "actually employed" has been inserted *vide* section 10 (2) of the existing Act).

*Sub-clause (4).*—The words "for not less than four months in the whole in any one year" which occur in the definition of a "factory," in section 2 of the existing Act have been omitted. The effect of this change will be to bring seasonal factories within the purview of the Act as recommended by the Factory Labour Commission.

*Sub-clause (8).*—A definition of the term "textile factory" has been inserted on the model of section 149 of the English Factory and Workshop Act, 1901.

*Sub-clause (9).*—The meaning of the term "week" has been defined with reference to clause 22 which prescribes a weekly holiday. The effect of this definition is that, when another day is given as a holiday in lieu of the Sunday, any one of the six days immediately preceding the Sunday can be substituted.

*Clause 3 (3).*—Under the existing law the District Magistrate is, by virtue of his office, an inspector of all factories in his district. In future, while he will retain the powers of an inspector, he will not, unless specially appointed by the Local Government, be the inspector to perform in any local area the duties imposed on the inspector by the Act.

*Clause 4 (c).*—This provision reproduces section 119 (1) (g) of the English Statute. Clause (c) of section 4 of the existing Act is no longer necessary, as the employment of a child who is not in possession of an age certificate will be made an offence.

*Clause 6.*—As it is proposed that the possession of age certificates by children should be compulsory, the fee which is at present levied for the grant of such certificates will be abolished.

*Clause 7.*—It is considered probable that delay may sometimes occur before children, whom it is proposed to employ in a factory, can be passed for age by the certifying surgeon. In order to prevent the inconvenience which might thus be caused, this clause provides for the grant of a provisional certificate by a qualified medical practitioner authorized by the certifying surgeon.

*Clauses 8, 12 and 13.*—In the present Act there are no substantive provisions dealing with ventilation, over-crowding, etc., and doubt has been expressed whether rules made under section 18, sub-section (1), clauses (b), (c) and (d), would be held by the Courts to be "consistent with the Act." To remove all doubt on this point, clauses 8, 12 and 13 have been inserted in the Bill. Clause 8 is based on section 1 of the English Statute.

*Clause 9.*—In several classes of factories, more particularly cotton-presses, rice-mills, flour-mills and paper-mills, the amount of solid impurities in the atmosphere is sometimes so large as to cause serious danger to the health of the operatives. In some of the better managed factories mechanical appliances have been used which entirely obviate this danger, and it is proposed that power should be taken to insist on the provision of such appliances wherever they are needed (*vide* section 74 of the English Statute).

*Clause 10.*—It is considered desirable that, in the interest of the operatives, the inspector should have power to insist on proper arrangements for lighting.



*Clause 11.*—The water used for humidifying purposes is in some cases drawn from impure sources. This clause has been framed on the model of section 94 (7) of the English Statute in order to rectify this. It imposes no burden on factories which have at present a supply of reasonably pure water.

*Clause 14.*—This clause, which is modelled on section 16 (2) of the English Statute, will provide a useful precaution against accidents.

*Clause 15.*—In many factories no adequate provision is made for the escape of the operatives from the upper storeys in case of fire. Most factories in India with more than one storey are cotton factories; and in view of the danger of fires occurring there and the rapidity with which they spread, it is considered essential that this defect should be remedied. A provision similar to this clause will be found in section 14 of the English Statute.

*Clause 16.*—In order to secure the safety of the operatives, it is necessary that smoking and the use of naked lights in certain portions of the factory should be forbidden. The want of this precaution led to fires in two cotton-presses which resulted in serious loss of life.

*Clause 17.*—This clause reproduces section 12 of the present Act, with amendments requiring hoists or teagles, and hoist-wells, trapdoors and other similar openings near which people are liable to pass or be employed, to be kept at all times fenced, the fencing to be to the satisfaction of, and in accordance with any orders given by, the local inspector. Experience has shown that hoists are more dangerous when at rest than while in motion, as there is then nothing to draw attention to the well.

*Clause 18.*—This clause is based on section 8 of the present Act. The prohibition of the employment of children in certain kinds of dangerous work has been extended to women.

*Clause 19.*—The object of this clause is to prevent the employment of women in front of the machines known as "openers" which are used in cotton-presses. A considerable number of women have been burnt to death in the past owing to fires occurring in the opener. The machine is of a dangerous character, and fires frequently occur owing to the presence of matches in the raw cotton or to sparks caused by stones or similar bodies coming in contact with exposed portions of the metal works inside the opener.

*Clause 21.*—Under section 5-A of the present Act, in every factory, except where a system of shifts is in force, there must be a stoppage of all work for half an hour between noon and two o'clock. In place of this, the Bill prescribes that in every factory there shall be fixed, at intervals not exceeding six hours, periods of not less than half an hour during which all work shall be discontinued. It is considered that under the conditions prevailing in India no operative should be required to work for more than six hours continuously, and that the law should make this clear. Provision is made for exempting any specified kinds of work from the stoppage by sub-clause (b), and clause 23 empowers the Local Government to exempt specified classes of factories altogether.

*Clause 22.*—This clause is based on section 5-B of the present Act, but its provisions have been redrafted. It provides that when a day other than Sunday is given as the weekly holiday, general or special notice must be given to the inspector. Clause 23 empowers the Local Government to exclude any class of factories, or any class of persons employed in factories, from the weekly holiday. The term "week" is defined in clause 2 (9).

*Clause 24.*—This clause is based on section 7 of the present Act, but certain important amendments are proposed. At present no child may be employed if he is under nine years of age; in future he must be in possession of a certificate that he is not less than nine years of age and is fit for employment in a factory. At present no child may be employed except between 5 A. M. and 8 P. M. In future the limits will be 5-30 A. M. and 7 P. M. The provision prescribing an interval of rest during the period of employment has been omitted, but a new sub-clause has been inserted, providing that no child may be employed for more than eight and a half hours in any one day from the time at which he first arrived at the factory.

*Clause 25.*—This clause follows section 6 of the present Act. As in the case of children the hours during which the employment of women is permissible have been shortened. Exceptions to the general rule in this matter will be allowed only in cotton-ginning factories. No exception will be made as under the present law in the case of factories which work in shifts. The intervals of rest amounting in the aggregate to 1½ hours prescribed for women by the present law are found in practice to be too long and are seldom taken advantage of, and the provision prescribing them has been omitted. The general power of exemption from the provisions of section 6 of the existing Act vested in the Governor General in Council is not reproduced.

*Clause 27.*—This provision is considered necessary in order that inspection may be effective and compliance with the law secured.

*Clause 34.*—This clause reproduces section 14 of the existing Act and requires, in addition, that, if the manager is changed, notice shall be given to the inspector within seven days.

*Clause 36.*—This clause prescribes, in addition to the registers required under section 9 of the present Act, the maintenance of a register of persons under the age of 16 years. It is thought that this register will be of assistance to the inspector in detecting cases of the employment, as full-timers, of children who are under, but near, the age of 14.

*Clause 37.*—This clause is based on section 10 of the present Act, but is fuller and more complete.

*Clauses 38 to 41.*—These clauses are based on section 18 of the existing Act. Sub-clause (a) of section 18, regarding the fencing of machinery, has been omitted, as clause 17 makes further provision for this matter unnecessary.

*Clause 42.*—Section 17 of the present Act provides that every occupier of a factory shall be deemed primarily liable for any breach of the Act or of any order or rule made thereunder. It has been found difficult in practice to enforce the responsibility which the law has placed on the occupier, and it is now proposed to take a different course. This clause makes the manager of a factory liable to punishment for offences against the Act. Proviso (iii) follows section 143 of the English Statute.

*Clause 43.*—For the proper administration of the Act it is essential that the inspector should be protected from interference in the discharge of his duties. Sub-clause (a) has therefore been inserted on the model of section 199 (3) of the English Statute. Sub-clauses (b) and (c) provide for the punishment of persons, other than the manager, for offences against the Act.

*Clause 44.*—The word "knowingly" has been substituted for the word "corruptly" which occurs in section 15 (2) of the existing Act. The former is the recognised statutory word and the one used in section 139 of the English Statute.

*Clause 45.*—This clause is intended to remove a difficulty which is often experienced in proving that children under age, who are found by the inspector in a factory, have been employed there. It is not considered possible to prohibit the presence in factories of such children, but the clause provides that, if any person above the age of six years is found in any part of a factory, where any manufacturing processes are carried on, he shall be deemed to be employed there, unless the contrary is proved.

*Clause 48.*—In any place where the hours of the day are ordinarily computed by local mean time, no difficulty will arise in observing the hours for beginning and ending work prescribed by clauses 24, 25 and 29 of the Bill. But where the hours of the day are reckoned according to Indian standard time, there might be wide variations in the actual time of starting and stopping work at different places. At Karachi, for instance, mills might start work ninety minutes earlier in the day than those in Calcutta. This clause therefore empowers each Local Government, to fix once for all, for each industrial centre where standard time is recognized, the equivalent of 5-30 A. M. and 7 P. M. local mean time in terms of Indian standard time to the nearest quarter of an hour.

J. M. MACPHERSON,  
Secretary to the Government of India.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th July, 1909:

## No. 4 OF 1909.

*A Bill further to amend the Indian Companies Act, 1882.*

WHEREAS it is expedient further to amend the Indian Companies Act, 1882; It is hereby enacted as follows:—

1. This Act may be called the Indian Companies (Amendment) Act, 1909.

2. After section 73 of the Indian Companies Act, 1882, the following shall be inserted, namely:—

*Payment of interest out of capital.*

"73A. Where any shares of a Company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the Company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

- (1) no such payment shall be made unless the same is authorized by the Company's articles of association or by special resolution;
- (2) no such payment, whether authorized by the articles of association or by special resolution, shall be made without the previous sanction of the Governor General in Council;
- (3) before sanctioning any such payment, the Governor General in Council may, at the expense of the Company, appoint a person to inquire and report to him as to the circumstances of the case, and may, before making the appointment, require the Company to give security for the payment of the costs of the inquiry;
- (4) the payment shall be made only for such period as may be determined by the Governor General in Council, and such period shall in no case extend beyond the close of the half-year next after the half-year during which the works or buildings have been actually completed or the plant provided;
- (5) the rate of interest shall in no case exceed four per cent. per annum or such lower rate as the Governor

General in Council may, by notification in the Gazette of India, prescribe;

- (6) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid;
- (7) the accounts of the Company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate;
- (8) nothing in this section shall affect any Company to which the Indian Railway Companies Act, 1895, or the Indian Tramways Act, 1902, applies.

*Re-issue of Redeemed Debentures.*

"73B. (1) Where either before or after the passing of this Act a Company has redeemed any debentures previously issued, the Company, unless the articles of association or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the Company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a Company has purported to exercise such a power the Company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing of this Act been transferred to a nominee of the Company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a Company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the Company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a Company, whether the re-issue or issue was made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp-duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may

give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp-duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the Company shall be liable to pay the proper stamp-duty and penalty.

(5) Nothing in this section shall prejudice—

(a) the operation of any decree or order of a Court of competent jurisdiction passed or made before the date of

the passing of this Act as between the parties to the proceedings in which the decree was passed or the order made, and any appeal from any such decree or order shall be decided as if this Act had not been passed; or

(b) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a Company by its debentures or the securities for the same."

#### STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make provision for the payment of interest out of capital by Companies during the period of construction of works or buildings, and to grant to Joint Stock Companies the power to re-issue redeemed debentures in certain circumstances. The amending clauses follow, with the necessary modifications, clauses 91 and 104 of the Companies (Consolidation) Act, 1908 (8 Edw. 7, ch. 69).

*The 16th July, 1909.*

W. L. HARVEY.

J. M. MACPHERSON,

*Secretary to the Government of India.*

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th July 1909 :

NO. 5 OF 1909.

# THE INDIAN ELECTRICITY BILL.

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*The Indian Electricity Bill.**(Part I.—Preliminary. Part II.—Supply of Energy.)*

[The bracketed marginal references relate to sections of the Indian Electricity Act, 1903, unless otherwise specified.]

The italicised portions indicate fresh matter or alterations as compared with the Act of 1903.]

*A Bill to amend the law relating to the supply and use of electrical energy.*

WHEREAS it is expedient to amend the law relating to the supply and use of electrical energy; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

1. (1) This Act may be called the Indian Short title, extent and Electricity Act, 1909. commencement.

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas; and

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

2. In this Act, expressions defined in the Indian Telegraph Act, 1885, have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,—

(a) "aerial line" means any electric supply-line which is placed above ground and in the open air:

(b) "area of supply" means the area within which alone a licensee is for the time being authorized by his license to supply energy:

(c) "consumer" means any person who is supplied with energy by a licensee, or whose premises are for the time being connected for the purposes of a supply of energy with the works of a licensee:

(d) "daily fine" means a fine for each day on which an offence is continued after conviction therefor:

(e) "distributing main" means the portion of any main with which a service line is, or is intended to be, immediately connected:

(f) "electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy for any purpose, together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy:

(g) "energy" means electrical energy:

(h) "licensee" means any person licensed under Part II to supply energy:

(i) "main" means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to the public generally:

(j) "prescribed" means prescribed by Rules made under the Act:

(k) "purpose" includes any purpose except the transmission of a message: [n.]

(l) "service line" means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to a consumer either from a distributing main or immediately from the licensee's premises: [o.]

(m) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway: and [p.]

(n) "works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a license granted under Part II. [q.]

## PART II.

## SUPPLY OF ENERGY.

*Licenses.*

3. (1) The Local Government may, upon an application submitted in the prescribed form and with the prescribed particulars, and on payment of the prescribed fee (if any), grant to any person a license to supply energy for any purpose in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy from a generating station situated outside such area to the boundary of such area in any case in which the energy to be supplied is to be generated outside such area, or between points within such area across any intervening area not included therein. [s. 4 (1).]

(2) In respect of every such license and the grant thereof the following provisions shall have effect, namely:—

(a) any person applying for a license under this Part shall publish a notice of his application in the prescribed manner and with the prescribed particulars, and the license shall not be granted

(i) until all objections received by the Local Government with reference thereto have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of three months from the date of the first publication of such notice as aforesaid: and [s. 40.]

(ii) until, in the case of an application for a license for an area including the whole or any part of any cantonment, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for naval or military purposes, the Local Government has ascertained that

*The Indian Electricity Bill.**(Part II.—Supply of Energy.)*

*there is no objection to the grant of the license on the part of the Commander-in-Chief in India;*

(b) *where an objection is received under clause (a) from any local authority concerned, the Local Government shall, if in its opinion the objection is insufficient, record in writing and communicate to such local authority its reasons for such opinion;*

(c) *no application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given;*

(d) *a license under this Part may prescribe such terms as to the persons to whom and the purposes for which energy may be supplied, as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such matters as the Local Government may think fit;*

(e) *the grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of another license to another person within the same area of supply for a like purpose;*

(f) *the provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to any such additions, variations or exceptions which the Local Government is hereby empowered to make, apply to the undertaking authorized by the license:*

*Provided that, where a license is granted, in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such license relates to such supply, the provisions of clauses IV, V, VI, VII, VIII and XII of the Schedule shall not be deemed to be incorporated with the license.*

(3) *Nothing in this section shall be deemed to prohibit the grant of a single license authorising the licensee to supply energy generally for any purpose as well as to other licensees for distribution by them.*

[New. of Act IX of 1890, s. 7.(2).] (4) *The exercise of the powers conferred on the Local Government by this section shall be subject to the control of the Governor General in Council.*

4. (1) The Local Government may if in its opinion the public interest so requires, revoke a license in any of the following cases, namely:—

(a) *where the licensee, in the opinion of the Local Government, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act;*

(b) *where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;*

(c) *where the licensee, not being a local authority, fails, within the period fixed in this behalf by his license or any longer period which the Local Government may substitute therefor by order under sub-section (3), clause (b), and before exercising any of the powers conferred on him thereby in relation to the execution of works,—*

(i) *to show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or*

(ii) *to make the deposit or furnish the security required by his license;*

(d) *where the licensee is, in the opinion of the Local Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license;*

(e) *where the licensee, not being a local authority, shows, to the satisfaction of the Local Government, at any time after the commencement of his license, that his undertaking cannot be carried on with profit and ought to be abandoned;*

(f) *where the licensee supplies energy by means of some system not provided for under section 26, sub-section (1).*

(2) Where the Local Government might, under sub-section (1), revoke a license, it may, instead of revoking the license, permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the license. [s. 4 (3).]

(3) Where in its opinion the public interest so permits, the Local Government may, on the application or with the consent of the licensee, and, if the licensee is not a local authority, after consulting the local authority (if any) concerned,— [s. 4 (4) (e).]

(a) *revoke a license as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit, or*

*The Indian Electricity Bill.**(Part II.—Supply of Energy.)*

- (b) make such alterations or amendments in the terms and conditions of a license, including the provisions specified in section 3, sub-section (a), clause (f), as it thinks fit.

[s. 5]

5. Where the Local Government revokes, under section 4, sub-section (1), the license of a licensee, not being a local authority, the following provisions shall have effect, namely :—

- (a) the Local Government shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a single local authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine;

- (b) where a notice has been served on a local authority under clause (a), the local authority may, within one month after the service of the notice and with the written consent of the Local Government, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purpose of the undertaking, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations;

- (c) where no purchase has been effected by the local authority under clause (b), and any other person is willing to purchase the undertaking, the Local Government may, if it thinks fit, with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to such other person;

- (a) where a purchase has been effected under clause (b) or clause (c), the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking; and the revocation of the license shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee;

- (e) where no purchase has been effected under clause (b) or clause (c), or where the whole of the area of supply is not included in the area for which a single local authority is constituted, the Local Government shall have the option of purchasing the undertaking and, if the Local Government elects to purchase, the licensee shall sell the undertaking to the Local Government upon terms and conditions similar to those set forth in clauses (b) and (d), save that the license shall, in so far as the Local Government is concerned, cease to have any further operation;

- (f) where no purchase has been effected under any of the foregoing clauses, the Local Government may forthwith cause the works of the licensee to be removed and every street in, under, over, along or across which, or part of which, such works have been placed to be reinstated, and recover the cost of such removal and reinstatement from the licensee;

- (g) if the licensee has been required, under clause (b) or clause (c), to sell the undertaking, and if the sale has not been completed by the date fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Local Government, work the undertaking pending the completion of the sale.

6. (1) Where the Local Government revokes the license of a local authority under section 4, sub-section (1), and any person is willing to purchase the undertaking, the Local Government may, if it thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the Local Government thinks just.

[s. 6]

- (2) Where no purchase has been effected under sub-section (1), the Local Government may forthwith cause the works of the licensee to be removed and every street in, under, over, along, or across which, or part of which, such works have been placed to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

7. (1) Where a license has been granted to any person not being a local authority, and the whole of the area of supply is included in the

[s. 7.]

Purchase of undertaking.

*The Indian Electricity Bill.**(Part II.—Supply of Energy.)*

area for which a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding forty-two years, and of every such subsequent period, not exceeding ten years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking, and, if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking to it upon terms and conditions similar to those set forth in section 5, clauses (b) and (d). "

(2) Where the local authority does not elect to purchase under sub-section (1), or where the whole of the area of supply is not included in the area for which a single local authority is constituted, the Local Government shall have the like option upon the like terms and conditions, save that the license shall, in so far as the Local Government is concerned, cease to have any further operation.

(3) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Local Government, as the case may be.

(4) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the Local Government, waive its option and enter into an agreement with the licensee for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.

[s. 8.]

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither a local authority nor the Local Government purchases the undertaking, and the license is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the Local Government may proceed to take action as provided in section 5, clause (f).

[s. 9.]

9. (1) The licensee shall not, at any time without the previous consent in writing of the Local Government, acquire, by purchase or otherwise, the license or the undertaking of, or associate himself with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy:

Provided that nothing in this sub-section shall be construed to require the consent of the Local Government for the supply of energy by one licensee to another in accordance with the provisions of clause (IX) of the Schedule.

(2) The licensee shall not at any time assign his license or transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange

or otherwise without the previous consent in writing of the Local Government.

(3) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2), unless made subject to such consent as aforesaid, shall be void.

10. Notwithstanding anything in sections 5, 7 and 8, the Local Government may, subject to the control of the Governor General in Council, in any license granted under this Act,—

[s. 10.]

(a) vary the terms and conditions upon which the licensee shall be bound to sell his undertaking, or

(b) direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.

11. (1) Every licensee shall, unless expressly exempted from the liability by his license, prepare and render to the Local Government or to such authority as the Local Government may appoint in this behalf, on or before the prescribed date in each year, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed in this behalf.

[s. 11.]

(2) The licensee shall keep copies of such annual statement at his office and sell the same to any applicant at a price not exceeding one rupee per copy.

*Works.*

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or, when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area—

[s. 12.]

(a) open and break up the soil and pavement of any street, railway or tramway;

(b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) lay down and place electric supply-lines and other works;

(d) repair, alter or remove the same; and

(e) do all other acts necessary for the due supply of energy:

Provided that the licensee shall, when exercising the powers conferred upon him by this sub-section, in respect of any street, observe any rules or bye-laws for the time being in force for the regulation of the repairs thereof or facilitating traffic thereon.

(2) Nothing contained in sub section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon, wherever or whereunder



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any electric supply-line or work has not already been lawfully laid down or placed by such licensee :

Provided that any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate or, in a Presidency-town, the Commissioner of Police by order in writing so directs :

Provided, also, that, if at any time the owner or occupier of any building or land on which any such stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town, the Commissioner of Police may by order in writing direct any such stay or strut to be removed or altered.

(3) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the Local Government.

(4) Nothing contained in sub-section (1) shall be deemed to authorize or empower any licensee to open or break up any street not repairable by the Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorized to break up by his license, without the written consent of the person by whom the same is repairable, unless with the written consent of the Local Government :

Provided that the Local Government shall not give any such consent as aforesaid, until notice has been given, by advertisement or otherwise as the Local Government may direct, to the person by whom the street, railway or tramway concerned is repairable, and until all representations or objections received in accordance with the notice have been considered by the Local Government.

[13.]

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution

of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely :—

(a) not less than one month before commencing the execution of the works (not being a service line immediately attached, or intended to be immediately attached, to a distributing main, or the repair, renewal or amendment of existing works of which the character or position is not to be altered), the licensee shall serve upon the person or authority responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person or authority for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be, a notice in writing describing the proposed works, together with a section thereof on a practical scale which shall

not be smaller than one inch to eight feet, and a detailed plan thereof on a scale which shall not be smaller than sixteen inches to the mile, and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired ;

(b) if the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Local Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final ;

(c) if the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a) ;

(d) if the owner disapproves of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to his obligations to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration ;

(e) where no requisition has been served by the owner upon the licensee under clause (d), the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties ;

(f) where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the repairing authority or the owner, as the case may be, a notice in writing of his intention ;

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(g) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of subsection (1) :

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the Local Government) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

[A. 14.]

14. (1) Any licensee may alter the position of  
Alteration of pipes or any pipe (not forming, in  
wires. a case where the licensee  
is not a local authority, part of a local authority's  
main sewer), or of any wire under or over any  
place which he is authorized to open or break  
up, if such pipe or wire is likely to interfere  
with the exercise of his powers under this Act ;  
and any person may alter the position of any  
electric supply-lines or works of a licensee under  
or over any such place as aforesaid, if such  
electric supply-lines or works are likely to inter-  
fere with the lawful exercise of any powers  
vested in him.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely :—

(a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, together with a section on a vertical scale which shall not be smaller than one inch to eight feet, and a plan on a scale which shall not be smaller than sixteen inches to the mile, describing

the proposed alteration, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire ;

(b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration ;

(c) every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid as far as possible interference therewith ;

(d) where no requisition is served upon the operator under clause (b), or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties ;

(e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration ;

(f) where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notification in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made ; and thereupon the owner may proceed to execute the alteration as required by the operator ;

(g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notification served upon him under clause (f), comply with the notification, the operator may himself execute the alteration ;

(h) all expenses properly incurred by the owner in complying with a notification served upon him by the operator under clause (f) may be recovered by him from the operator

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(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works.

15.]

## 15. (1) Where—

(a) the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, watercourse or work under the control of the Local Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or

(b) any duly authorized person requires to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,

the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Local Government or local authority, or to such duly authorized person, or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall temporarily support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service pipes or lines belonging to any duly authorized person or to any person supplying or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1), lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or lines.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, watercourse works under its control shall not apply.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall— [s. 16.]

Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay.

(a) immediately cause the part opened or broken up to be fenced and guarded;

(b) before sunset cause a light, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up;

(c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up; and,

(d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel, broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-section (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

17. (1) A licensee shall, before laying down or placing within ten yards of any part of any telegraph-line, any electric supply-line or other works (not being service lines immediately attached or intended to be immediately attached to a distributing main, or electric supply-lines for the repair, renewal or amendment of existing works of which the character or position is not to be altered), give not less than ten days' notice in writing to the telegraph-authority, specifying— [s. 17 (1).]

(a) the course of the works or alterations proposed,

(b) the manner in which the works are to be utilized,

(c) the amount and nature of the energy to be transmitted, and

(d) the extent to, and manner in, which (if at all) earth returns are to be used;

and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph-authority for preventing any telegraph-line from being injuriously affected by such works or alterations:

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Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) *Where the works to be executed consist of the laying of any underground service-line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph-authority a notice in writing of his intention.*

[s. 17.] 18. (1) *Save as provided in section 13, sub-section (3), nothing in this Part shall be deemed*

*Aerial lines.*

to authorize or empower a licensee to place any aerial line along or across any street unless and until the Local Government has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any aerial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the Local Government may require the licensee forthwith to remove the same, or may cause the same to be removed and recover from the licensee the expenses incurred in such removal.

(3) Where any tree, standing or lying near an aerial line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy, a Magistrate of the first class may, on the application of the licensee, cause the tree to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

[s. 18.] 19. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause

*Compensation for damage.*

as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage caused by him or by any one employed by him.

(2) Where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

*Supply.*

[s. 19.] 20. (1) A licensee or any person duly authorized by a licensee

*Power for licensee to enter premises and to remove fittings or other apparatus of licensee.*

may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, for the purpose of—

(a) inspecting and testing the electric supply-lines, meters, fittings, works and

apparatus for the supply of energy belonging to the licensee;

(b) ascertaining the quantity of energy consumed or supplied; or

(c) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and cut off such supply, any electric supply-lines, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by the District Magistrate or, in a Presidency-town, by the Commissioner of Police, and after giving not less than twenty-four hours notice in writing to the occupier, enter any premises to which energy is or has been supplied, or is to be supplied, by him, for the purpose of examining and testing any electric wires, fittings, works and apparatus for the use of energy therein.

21. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilizing energy supplied by him, or, save as provided by section 23, sub-section (2), or by section 27, sub-section (6), in any way to control or interfere with the use of such energy:

[s. 20.]

Provided that no person may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(2) Where any difference or dispute arises under this section, the matter shall be either referred to an Electric Inspector and decided by him or, if the licensee or consumer so desires, determined by arbitration.

22. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply:

[s. 21.]

Provided that no person having a private generating plant shall be entitled so to demand a supply in order to use the energy supplied only in the event of accident to his plant.

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license, and may allow such rebates thereon as the Local Government may by general or special order permit.

[s. 22.]

(2) No consumer shall be entitled, except with the consent in writing of the licensee, to utilize for one purpose energy supplied to him at a lower rate for any other purpose.

(3) Where any difference or dispute arises between a consumer and a licensee as to any matter provided for in sub-section (1), the matter shall either be referred to an Electric Inspector and decided by him or, if the licensee or consumer so desires, be determined by arbitration.



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[s. 24.]

24. Where any person neglects to pay any charge for energy or any other sum due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer:

Provided that the provisions of this section shall not apply in any case in which any difference or dispute of the nature described in section 27, sub-section (7), has been referred for the decision of an Electric Inspector as therein provided until such Inspector has given his decision.

[s. 25.]

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Sch. cl. IV.]

26. (1) Every licensee shall supply energy only by means of some prescribed system or of some other system for the time being approved by the Local Government.

[s. 29.]

(2) If at any time it is established to the satisfaction of the Local Government, that a licensee is supplying energy contrary to the provisions of sub-section (1), the Local Government may, by order in writing, specify the matter complained of and require the licensee to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

[s. 30.]

27. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply shall be ascertained by means of a correct meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter:

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter correct, and, in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter correct, and in default of his doing so, the licensee may, for so long as the default continues, cease to supply energy through the meter.

(4) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1); and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such inspecting, testing, taking off and removing shall, if the meter is found to be otherwise than correct, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be referred to an Electric Inspector, and the decision of such Inspector shall be final:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (7) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hours' notice in writing of his intention.

(6) In addition to any meter which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such premises such meter or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter or apparatus shall not, in the absence of an agreement to the contrary, be placed otherwise than between the distributing mains of the licensee and any meter referred to in sub-section (1).

(7) Where any difference or dispute arises as to whether any meter referred to in sub-section (1) is or is not correct, the matter shall be decided, upon the application of either party, by an Electric Inspector; and, where the meter has, in the opinion of such Inspector, ceased to work, such Inspector shall estimate the amount of the energy supplied to the consumer or the electrical quantity contained in the supply on the basis of the previous supply; and the decision of such Inspector shall be final: but, save as aforesaid, the register of the meter shall, in the absence of fraud, be conclusive proof of such amount or quantity.

*Explanation.*—A meter shall be deemed to be "correct" if it registers the amount of energy supplied, or the electrical quantity contained in the supply, within the prescribed limits of error.



*The Indian Electricity Bill.**(Part II.—Supply of Energy. Part III.—Transmission and use of Energy.**Part IV.—General.)*

28. Notwithstanding anything in this Act, the Local Government may, by order in writing, authorize any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lines for that purpose:

Provided, first, that such authority shall not be conferred unless the person to whom the supply is to be given has entered into a specific agreement with the licensee for the taking of such supply:

Provided, secondly, that a licensee on whom such authority has been conferred shall not be deemed to be empowered outside the area of supply to open or break up any street, or any sewer, drain or tunnel in or under any street, railway or tramway, or to interfere with any telegraph-line, without the written consent of the local authority or person by whom such street, sewer, drain or tunnel is repairable, or of the telegraph-authority, as the case may be:

Provided, thirdly, that, save as aforesaid, the provisions of this Act shall apply in the case of any supply authorized under this section as if the said supply were made within the area of supply.

*Supply by non-licensees.*

[G. 3.]

29. (1) No person other than a licensee shall, for the purpose of supplying energy to the public generally or to any licensee, open or break up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel in or under any street, railway or tramway, except with the previous sanction of the Local Government and in accordance with such conditions as the Local Government may fix in this behalf.

(2) Any agreement made without such previous sanction between any such person and a local authority purporting to authorize him to do any such acts as are described in sub-section (1), shall be void.

(3) Where any difference or dispute arises as to whether energy is or is not supplied or to be supplied to the public generally within the meaning of sub-section (1), the matter shall be referred to the Local Government; and the decision of the Local Government thereon shall be final.

**PART III.***Transmission and Use of Energy.*

[S. 31.]

30. (1) No person, other than a licensee duly authorized under the terms of his license, shall transmit or use energy for any purpose at a rate exceeding two hundred and fifty watts,—

(a) in any street, or

(b) in any place,

(i) in which one hundred or more persons are likely ordinarily to be assembled, or

(ii) which is a factory within the meaning of the Indian Factories Act, 1881, or

(iii) which is a mine within the meaning of the Indian Mines Act, 1901,

XV of 1881.  
VIII of 1901.

without giving not less than seven clear days' notice in writing of his intention to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, and complying with such of the provisions of Part IV, and of the rules made thereunder, as may be applicable:

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods on, or for the lighting or ventilation of the rolling-stock of, any railway or tramway subject to the provisions of the Indian Railways Act, 1890:

IX of 1890

Provided, also, that the Local Government may, by general or special order and subject to such conditions and restrictions as may be specified therein, exempt from the application of this section or of any such provision or rule as aforesaid any person or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clause (b).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

(3) The provisions of this section shall be binding on the Crown.

**PART IV.***GENERAL.**Protective Clauses.*

31. No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, tramway, canal or water-way or any dock, wharf or pier vested in or controlled by a local authority or obstruct or interfere with the traffic on any railway, tramway, canal or waterway.

[S. 26.]

32. (1) Every person generating, transmitting, supplying or using energy (hereinafter in this section referred to as the "operator"), shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his undertaking, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

[S. 27(2).]

(2) Where any difference or dispute arises between the operator and the telegraph-authority as to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his undertaking, in contravention of sub-section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Governor General in Council; and the Governor General in Council, unless he is of opinion that the wire, or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the construction of such lines or works; may, direct

[S. 27(3).]

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the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly :

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the current transmitted thereby are not altered.

- [4.] (3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

*Explanation.*—For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by such work or by any use made thereof.

- [28.] 33. (1) Every person shall, within twenty-four hours of the occurrence, send to the Electric Inspector, and also to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, notice in writing of any accident in connection with the generation, transmission, supply or use of energy resulting or likely to have resulted in loss of life or personal injury in any part of such person's works or circuits, or in connection with the same, and also notice of any loss of life or personal injury actually occasioned by any such accident.

(2) The Local Government may, if it thinks fit require any Electric Inspector, or any other competent person appointed by it in this behalf, to inquire and report—

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with the generation, transmission, supply or use of energy, or

(b) as to the manner in, and extent to, which the provisions of this Act or of any license or rules thereunder, so far as those provisions affect the safety of the public, have been complied with.

- [29 (a).] 34. (1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his circuits to be connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the Governor General in Council.

*Prohibition of connection with earth and power for Government to interfere in certain cases of default.*

- [29 (b).] (2) If at any time it is established to the satisfaction of the Local Government—

(a) that any part of a circuit is connected with earth contrary to the provisions of sub-section (1), or

(b) that any works for the generation, transmission, supply or use of energy are attended with danger to the public safety or to human life or to any telegraph line or other metallic pipe,

structure or substance, whether in consequence of such connection with earth or otherwise,

the Local Government may, by order in writing, specify the matter complained of and require the owner or user of such works to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

*Administration and rules.*

35. (1) The Governor General in Council [a. 32.] may, for the whole or any part of British India,

and each Local Government may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, constitute an Advisory Board.

(2) Every such Board shall consist of a chairman and not less than two other members.

(3) The chairman and, where there are more than two other members, two of the other members, or, where there are only two other members, one of the other members, shall be nominated by the Governor General in Council or the Local Government, as the case may be, and the remaining members shall be nominated by such local authorities, Chambers of Commerce or other Associations as the Governor General in Council or the Local Government, as the case may be, may direct.

(4) The Governor General in Council or the Local Government, as the case may be, may, by general or special order,—

(a) define the duties and regulate the procedure of any such Board,

(b) determine the tenure of office of the members of any such Board, and

(c) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of any such Board in the performance of his duty.

36. (1) The Governor General in Council [Act VIII 1901, s. 4.] may, by notification in the Gazette of India,

appoint a duly qualified person to be Chief Electric Inspector, and one or more other such persons to be Deputies to such Chief Electric Inspector, and the Chief Electric Inspector shall, by himself or through any such Deputy, exercise all such powers and perform all such functions as the Governor General in Council may direct.

(2) The Local Government may, by notification in the local official Gazette, appoint duly qualified persons to be Electric Inspectors within such areas as may be assigned to them respectively; and every such Inspector shall exercise all such powers and perform all such functions as the Local Government may direct.

37. (1) The Governor General in Council [a. 33.] may make rules, for the whole or any part of British India, to regulate the generation, transmission, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

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(a) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the form of applications for licenses and the payments to be made in respect thereof;
  - (b) regulate the publication of notices;
  - (c) prescribe the manner in which objections with reference to any application under Part II are to be made;
  - (d) provide for the preparation and submission of accounts by licensees in a specified form;
  - (e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply, and for the examination of the records of such tests by consumers;
  - (f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy;
  - (g) for the purposes of electric traction, regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not;
  - (h) provide for preventing telegraph-lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy;
  - (i) prescribe the qualifications to be required of Electric Inspectors;
  - (j) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests; and
  - (k) authorize and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act.
- (3) In making any rule under this Act, the Governor General in Council may direct that every breach thereof shall be punishable with

fine which may extend to three hundred rupees, and, in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

38. (1) The power to make rules under Further provisions section 37 shall be subject to the condition of the rules being made after previous publication. [s. 34]

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under section 37 will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information. X of 18

(3) Any rule to be made under this Act shall, before it is published for criticism under subsection (2), be referred to the Advisory Board (if any) constituted for the whole of British India, or, if no such Board has been constituted, then to such Board or Boards (if any) as the Governor General in Council may direct; and the rule shall not be so published until such Board or Boards (if any) has or have reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(4) All rules made under section 37 shall be published in the Gazette of India and on such publication shall have effect as if enacted in this Act.

*Criminal Offences and Procedure.*

39. Whoever dishonestly abstracts, consumes or uses any energy shall be deemed to have committed theft within the meaning of the Indian Penal Code. [s. 39 (1)] XLV of 18

40. Whoever maliciously causes energy to be wasted or diverted, or with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both. [s. 39 (2)]

41. Whoever, in contravention of the provisions of section 29, opens or breaks up the soil of any street, railway or tramway or any sewer, drain or tunnel therein or thereunder shall be punishable with fine which may extend to three thousand rupees, and, in the case of a continuing contravention, with a daily fine which may extend to three hundred rupees.

Penalty for illegal or defective supply or for non-compliance with order.

42. Whoever—

[s. 39 (3)]

- (a) being a licensee, save as permitted under section 28 or section 51 or by his license, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or
- (b) being a licensee, in contravention of the provisions of this Act or of the rules thereunder or in breach of the conditions of his license and without reasonable excuse, the bur-

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*den of proving which shall lie on him, discontinues the supply of energy or fails to supply energy; or*

- (c) makes default in complying with any order issued to him under section 26, sub-section (2), or section 34, sub-section (2);

shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence or default, with a daily fine which may extend to one hundred rupees.

- 39 (4).] 43. Whoever, in contravention of the provisions of section 30, *transmits or uses energy without giving the notice required thereby*, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

- 39 (5).] *Penalty for interference with meters or licensee's works and for improper use of energy.* 44. Whoever—

- (a) connects any meter referred to in section 27, sub-section (1), with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without giving to the licensee forty-eight hours' notice in writing of his intention; or

- (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent; or

- (c) maliciously injures any meter referred to in section 27, sub-section (1); or

- (d) improperly uses the energy of a licensee;

shall be punishable with fine which may extend to three hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to thirty rupees.

- 39 (6).] 45. Whoever maliciously extinguishes any electric light supplied for the public use shall be punishable with fine which may extend to three hundred rupees.

- 39 (7).] *Penalty for negligently wasting energy or injuring works.* 46. Whoever negligently wastes or diverts, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to two hundred rupees.

- 39 (8).] 47. Whoever, in any case not already provided for by sections 39 to 46 *(both inclusive)*, makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to twenty rupees:

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15, 17 and 32, as the case

may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable in the circumstances.

48. The penalties imposed by sections 39 to 47 *(both inclusive)* shall be *Penalties not to affect other liabilities.* in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, which the offender may have incurred. [s. 39 (9).]

49. The provisions of sections 39, 40, 44, 45 *(both inclusive)* shall, so far as *Penalties where works belong to Government.* they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by or of works belonging to the Government. [s. 39 (10).]

50. No prosecution shall be instituted against *Institution of prosecution.* any person for any offence against this Act or any rule, license or order thereunder except at the instance of the Government or an Electric Inspector, or of a person aggrieved by the same. [Act VIII of 1901, s. 23.]

*Supplementary.*

51. Notwithstanding anything in sections 12 to 16 *(both inclusive)* and sections 18 and 19, the Governor General in Council may, for the placing of appliances and apparatus for the transmission of energy for any purpose, confer upon any public officer or licensee, *Exercise in certain cases of powers of telegraph-authority.* subject to such conditions and restrictions (if any) as he may think fit to impose, any of the powers which the telegraph-authority possesses under, and subject to the provisions of, the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained. [s. 35.]

52. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the Governor General in Council or the Local Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Indian Arbitration Act, 1899. [s. 36.]

53. (1) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left,— *Service of notices, orders or documents.* [s. 37.]

- (a) where the Government is the addressee, at the office of the Secretary in the Public Works Department;

- (b) where a local authority is the addressee, at the office of the local authority;

- (c) where a company is the addressee, at the registered office of the company;

- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person.



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(Part IV.—General.—The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

(2) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

[s. 38.]

54. Every sum declared to be recoverable by section 5, clause (f), section 6, sub-section (2), section 14, sub-section (2), clause (h), section 16, sub-section (2), section 18, sub-section (2) or sub-section (4), or section 27, sub-section (4), and every fee leviable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

[Act IX of 1890, s. 25.]

55. (1) The Local Government may, by general or special order, authorize the discharge of any of its functions under sections 13, 18 or 26 or clause V, sub-clause (2), or clause XIII of the Schedule by an Electric Inspector, and may cancel any sanction or order given by an Electric Inspector discharging any such function, or attach thereto any condition which the Local Government might have imposed if the sanction or order had been given by itself.

(2) A condition imposed under sub-section (1) shall for all the purposes of this Act have the same effect as if it were attached to a sanction or order given by the Local Government.

[s. 41.]

56. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

1 of 1894.

57. (1) In section 40, sub-section (1), clause (b), and section 41, sub-section (5), of the Land Acquisition Act, 1894, the term "work" shall be deemed to include electrical energy supplied, or to be supplied, by means of the work to be constructed.

[Act XI of 1896, s. 7 (2).] (2) The Local Government may, if it thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such land under the provisions of the Land Acquisition Act, 1894, in the same manner and on the same conditions as it might be acquired if the person were a company.

III of 1903. [s. 42.]

58. (1) The Indian Electricity Act, 1903, is hereby repealed:

Provided that every license granted under the said Act shall be deemed to have been granted under this Act.

(2) Nothing in this Act shall be deemed to affect the terms of any license which was granted,

or of any agreement which was made, by or with the sanction of the Government for the supply or use of electricity before the commencement of the Indian Electricity Act, 1903: but, save as aforesaid, every such license shall be deemed to be a license granted under this Act, and all rules made under this Act shall apply to all persons to whom such licenses were granted or with whom such agreements were made.

### THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II.

[See section 3, sub-section (2), clause (f).]

#### Security and accounts.

I. Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely:—

(a) The licensee shall, within the period fixed in that behalf and before exercising any of the powers by the license conferred on him in relation to the execution of works, show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by the license throughout the area of supply.

(b) The licensee shall also, within the period fixed in that behalf and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure to the satisfaction of the Local Government, such sum (if any) as may be fixed by the license or, if not so fixed, by the Local Government.

(c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him on the completion of the works or at such earlier dates, and by such instalments, as may be approved by the Local Government.

II. Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely:—

(a) The annual statement of accounts of the undertaking shall, before being rendered under section 11 of the Indian Electricity Act, 1909, be examined and audited by such person as the Local Government may appoint in this behalf, and the remuneration of the auditor shall be such as the Local Government may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Local Government shall approve, shall be paid by the licensee on demand.

(b) The licensee shall afford to the auditor, his clerks and assistants, access to all



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(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.

(c) The audit shall be made and conducted in such manner as the Local Government may direct.

(d) Any report made by the auditor, or such portion thereof as the Local Government may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof.

[Sch., cl. III.] III. The licensee shall, unless the Local Government otherwise directs, at all times keep the accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by him of any other undertaking or business.

*Compulsory works and supply.*

[Sch., cl. VI.] IV. The licensee shall, within a period of three years after the commencement of the license, execute to the satisfaction of the Local Government all such works as may be specified in the license in this behalf or, if not so specified, as may be necessary for the full and efficient discharge of the duties and obligations imposed upon him by the license throughout the area of supply.

[Sch., cl. III.] V. (1) Where, after the expiration of two years and six months from the commencement of the license, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply or by the Local Government or a local authority charged with the public lighting thereof, requiring the licensee to provide distributing mains throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless,—

(a) where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract duly executed and with sufficient security binding themselves to take, or guaranteeing that there shall be taken, a supply of energy for not less than two years to such amount as will in the aggregate produce annually, at the current rates charged by the licensee, a reasonable return to the licensee; or,

(b) where it is made by the Local Government or a local authority, the Local Government or local authority, as the case may be, does not, within the like period, tender a like agreement binding itself to take a supply of energy for not less than two years for the public lighting of such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners, occupiers or local authority as to the sufficiency of the security offered under this clause, or as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the Local Government and either decided by it or, if it so directs, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1909; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

VI. (1) Where a requisition is made by the [Sch., cl. IX.] Requisition for supply owner or occupier of to owners or occupiers in any premises situate within one hundred yards

from any distributing main requiring the licensee to supply energy for such premises, the licensee shall, within one month from the making of the requisition, supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition, unless the person making it fails, within fourteen days after the service on him by the licensee of a notice in writing in this behalf, to tender to the licensee a written contract, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee:

Provided, first, that the cost of so much of any service line as may be laid down or placed for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any service line as it may be necessary for the said purposes to lay down or place for a greater distance than one hundred feet from the licensee's distributing main, although not on that property, shall, if the licensee so requires, be paid by the owner or occupier making the requisition:

Provided, secondly, that the licensee may, after he has furnished a supply of energy for any premises, by notice in writing require the owner or occupier, within seven days after the date of the service of the notice, to give him security for the payment of all money which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and, if the owner or occupier fails to comply with the terms of the notice, the licensee may discontinue to supply energy for such premises so long as such failure continues:

Provided, thirdly, that, if the owner or occupier of any such premises as aforesaid adopts any appliance, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other person by the licensee, the licensee may discontinue the supply of energy for such premises until the matter has been decided in accordance with section 21,

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sub-section (2), of the Indian Electricity Act, 1909:

Provided, fourthly, that the licensee shall not be bound to furnish a supply of energy to any premises if an Electric Inspector is satisfied that the electric wires, fittings, works and apparatus therein are not in good order and condition, and are consequently likely to affect injuriously the use of energy by the licensee, or by other persons:

Provided, fifthly, that in the event of any alterations of, or additions to, any electric wires, fittings, works or apparatus within such premises as aforesaid, all such alterations or additions shall be notified to the licensee by the owner or occupier before being connected to the source of supply, with a view to their being examined and tested:

Provided, sixthly, that, in the event of any requisition being made for a supply of energy from any distributing main of which the licensee can prove, to the satisfaction of an Electric Inspector,—

(a) that it is already loaded up to its full current-carrying capacity, or

(b) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity,

the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main: and

[a. 22(1), prov.] Provided, seventhly, that, where the owner or occupier has required a licensee to supply him at a specified maximum rate, he shall not be entitled to alter that maximum except after one month's notice in writing to the licensee, and the licensee may recover from the owner or occupier any expenses incurred by him by reason of the variation in respect of the service-lines by which energy is supplied to the premises, to the extent prescribed in the first proviso, or of any fittings or apparatus of the licensee upon those premises.

(2) Where any difference or dispute arises as to the cost of any service-line or as to the sufficiency of the security offered by such owner or occupier, or as to the improper use of energy, or as to any alleged defect in any wires, fittings, works or apparatus, or as to the amount of energy to be taken or guaranteed as aforesaid, or as to the amount of the expenses incurred under the seventh proviso to sub-clause (1), the matter shall be either referred to an Electric Inspector and decided by him or, if the owner, occupier or licensee so desires, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1909; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

VII. (1) Where in pursuance of a special agreement a requisition is made by any person for the supply of energy, within the area of supply, the licensee shall, before commencing to lay down or place in any street any electric supply-line, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric supply line so to be laid down or placed a notice stating that the licensee intends to lay down or place the electric supply-line, and intimating that, if within the said period any two or more of such owners or occupiers require in accordance with the provisions of the license that a supply shall be given to their premises, the necessary distributing main will be laid down or placed by the licensee at the same time as the electric supply-line intended for the particular person.

(2) The provisions contained in the second, third, fourth, fifth, sixth and seventh provisos to sub-clause (1) and in sub-clause (2) of clause VI shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the person were an owner or occupier within the meaning of those provisions.

VIII. (1) Where a requisition is made by the Local Government or by a local authority requiring the licensee to supply for a period of not less than two years energy for any public lamps within the distance of one hundred yards from any distributing main, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply energy for such lamps in such quantities as the Local Government or the local authority, as the case may be, may require.

(2) The provisions contained in the first, fourth, fifth, sixth and seventh provisos to sub-clause (1) and in sub-clauses (2) and (3) of clause VI shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the Local Government or local authority were an owner or occupier within the meaning of those provisions.

*Supply by bulk-licensees.*

IX. (1) Where, and in so far as, the licensee is authorized by his license to supply energy to other licensees for distribution by them (hereinafter in this clause referred to as "distributing licensees"), the following provisions shall apply, namely:—

(a) any distributing licensee within the bulk-licensee's area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy, and specifying the point, and the maximum rate per unit of time, at which such supply is required, and the date upon which the supply is to commence, such date being fixed after the date

[3 P.W. V. C. 201, 25, 43, 55.]

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(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

of receipt of the requisition so as to allow an interval that is reasonable with regard to the locality and to the length of the electric supply-line and the amount of the plant required;

(b) such distributing licensee shall, if required by the bulk-licensee so to do, enter into a written agreement to receive and pay for a supply of energy for a period of not less than seven years of such an amount that the payment to be made for the same at the rate of charge for the time being charged for such supply shall not be less than such an amount as will produce a reasonable return to the bulk-licensee on the outlay (excluding expenditure on generating plant then existing and any electric supply-line then laid down or placed) incurred by him in making provision for such supply;

(c) the maximum rate per unit of time at which a distributing-licensee shall be entitled to be supplied with energy shall not exceed what is necessary for the purposes for which the supply is required by him, and need not be increased except upon a fresh requisition made in accordance with the foregoing provisions;

(d) if any difference or dispute arises under this clause, it shall be determined by arbitration, and in the event of such arbitration, the arbitrator shall have regard to the following amongst other considerations, namely:—

(i) the period for which the distributing-licensee is prepared to bind himself to take energy;

(ii) the amount of energy required and the hours during which the bulk-licensee is to supply it;

(iii) the capital expenditure incurred by the bulk-licensee in connection with the aforesaid supply of energy; and

(iv) the extent to which the capital expended by the bulk-licensee in connection with such supply may become unproductive upon the discontinuance thereof.

(2) Notwithstanding anything in sub-clause (1) the bulk-licensee shall give a supply of energy to any distributing licensee within his area of supply applying therefor, even although the distributing-licensee desires to be supplied with only a portion of the energy required for distribution:

Provided that the distributing-licensee shall, if so required by the bulk-licensee, enter into an agreement to take such energy upon special terms (including a minimum annual sum to be paid to the bulk-licensee) to be determined, if necessary, by arbitration, in the manner laid down in sub-clause (1) (d).

(3) The maximum price fixed by a license for energy supplied to a distributing licensee shall not apply to any partial supply given under sub-clause (2).

(4) Every distributing-licensee who is supplied with energy by a bulk-licensee and intends to discontinue to receive such supply, shall give not less than twelve months' notice in writing of his intention to the bulk-licensee:

Provided that, where the distributing-licensee has entered into a written agreement with the bulk-licensee to receive and pay for a supply of energy for a certain period, such notice shall be given so as not to expire before the end of that period.

*Charges.*

X. In the absence of an agreement to the [Sch., cl. XI.] Methods of charging. contrary, the licensee may charge for energy supplied by him to any consumer—

(a) by the actual amount of energy so supplied; or

(b) by the electrical quantity contained in the supply; or

(c) by such other method as may be approved by the Local Government:

Provided, first, that, where the licensee charges by any method so approved by the Local Government, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method:

Provided, secondly, that before commencing to supply energy through any distributing main, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied; and where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the Local Government, to the local authority (if any) concerned, and to every consumer of energy who is supplied by him from such distributing main:

Provided, thirdly, that, if the consumer is provided with a meter in pursuance of the provisions of section 27, sub-section (1), of the Indian Electricity Act, 1909, and the licensee changes the method of charging for the energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new meter, if such is necessary by reason of the new method of charging.

XI. Save as provided by clause IX, sub-clause [Sch., cl. XII.]

Maximum charges. (3), the prices charged by the licensee for energy supplied by him shall not exceed the maxima fixed by his license, or, in the case of a method of charge approved by the Local Government, such maxima as the Local Government shall fix on approving the method:

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Provided that, if, at any time after the expiration of seven years from the commencement of the license, the Local Government considers or is satisfied that the *maxima* so fixed or approved as aforesaid should be altered, it may, after such inquiry (if any) as it thinks fit, make an order accordingly, which shall have effect from such date as may be mentioned thereip :

Provided, also, that, where an order in pursuance of the foregoing proviso has been made, no further order altering the *maxima* fixed thereby shall be made until the expiration of another period of seven years.

[Sch., cl. XIII.]

XII. The price to be charged by the licensee for supply of energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the Local Government or the local authority, as the case may be, and, where any difference or dispute arises, the matter shall be determined by arbitration.

*Testing and inspection.*

[Sch., cl. XIV.]

XIII. The licensee shall, at any place within reasonable distance from his works, establish testing stations and keep any distributing-main, instruments for testing, and shall establish at his own cost and keep in proper condition such number of testing stations as the Local Government may direct for the purpose of testing the supply of energy in the main, and shall supply and keep in proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as an *Electric Inspector* may approve, and shall supply energy to each testing station for the purpose of testing.

[Sch., cl. XV &amp; XVI.]

XIV. The licensee shall afford all facilities for inspection and testing of his works and for the reading, testing and inspection of his instruments, and may, on each occasion of the testing of his works or the reading, testing or inspection of any instruments, be represented by an agent, who may be present, but shall not interfere with the reading, testing or inspection.

[Sch., cl. XVII.]

XV. On the occasion of the testing of any works of the licensee by an *Electric Inspector* reasonable notice thereof shall be given to the licensee; and the testing shall be carried out at such suitable hours as, in the opinion of the *Electric Inspector*, will least interfere with the supply of energy by the licensee, and in such manner as the *Electric Inspector* may think fit; but, except under the provisions of an order made in each case in that behalf by the Local Government, the *Electric Inspector* shall not be entitled to have access to, or interfere with, the works of the licensee at any points other than those at which the licensee has reserved for himself access to the same :

Provided that the licensee shall not be held responsible for any interruption in the supply of

energy which may be occasioned by or required by the *Electric Inspector* for the purpose of any such testing as aforesaid :

Provided, also, that the testing shall not be made in regard to any particular portion of the works oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Local Government.

*Plans.*

XVI. (1) The licensee shall, after commencing to supply energy, forthwith cause a plan to be made of the area of supply, and shall cause to be marked thereon the line and the height above or the depth below the surface of all his then existing electric supply-lines, street distributing boxes and other works, and shall once in every year cause that plan to be duly corrected so as to show the electric supply-lines, street distributing boxes and other works for the time being in existence. The licensee shall also, if so required by an *Electric Inspector*, cause to be made sections showing the level of all his existing underground works other than service lines.

(2) Every such plan shall be drawn to a scale which shall not be smaller than sixteen inches to the mile.

(3) Every such section shall be drawn to a horizontal scale which shall not be smaller than sixteen inches to the mile and to a vertical scale which shall not be smaller than one inch to eight feet.

(4) Every plan and section so made or corrected, or a copy thereof, marked with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and copies thereof shall be supplied on such terms and conditions as may be prescribed by rules under the Indian Electricity Act, 1909.

(5) The licensee shall, if required by an *Electric Inspector* or, where the licensee is not a local authority, by the local authority (if any) concerned, supply free of charge to an *Electric Inspector* or local authority, as the case may be, a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

*Additional notice of certain works.*

XVII. On the day next preceding the commencement of any such works as are referred to in section 13 of the Indian Electricity Act, 1909, the licensee shall, in addition to any other notices which he may be required to give, serve upon the *Electric Inspector*, or such officer as the Local Government may appoint in this behalf for the area of supply, a notice in writing stating that he is about to commence the works, and the nature and position of the same.

Notice to *Electric Inspector*.



## STATEMENT OF OBJECTS AND REASONS.

WHEN the Indian Electricity Act, 1903, was passed it was clearly recognized to be a somewhat tentative measure, and it was anticipated that amending legislation would be called for at an early date. Having regard to the experience gained in the practical working of the Act, the Government of India in 1907 came to the conclusion that the time had arrived for undertaking this amending legislation, and they referred various difficulties which had arisen in its working to a Committee on which electro-technical and commercial interests were represented.

2. The Act as at present framed vests its administration in Local Governments, with whom rests the power to grant licenses; but the authority or the previous sanction of the Governor General in Council is required in regard to so many matters that the practical result has been a dual administration. In the case of cantonments and similar "places in the occupation of Government for naval or military purposes" the administration of the Act is by section 40 placed in the hands of the Governor General in Council, but these places frequently are situated within larger areas, in respect to which the Local Government is empowered to grant licenses, with the result that separate, and not necessarily consistent, licenses have been granted by the Governor General in Council and the Local Government, respectively, to the same licensee, for the same purpose, in one and the same place. The practical effect of the present system has been delay, as it has hitherto been virtually impossible for a company to obtain a license under two or three years. Delays of this nature are obviously most detrimental to the attraction of capital for the development of the resources of the country as the financial position may, and in fact frequently does, change completely between the date of the application and the granting of the license.

3. Under the Bill as now drafted the general administration of the Act and, subject to the control of the Governor General in Council, the granting of all licenses, is left in the hands of the Local Government. The rule making power, and the delegation of the powers of the Telegraph authority to licensees, are reserved to the Governor General in Council.

4. Among the more important modifications in the Bill are the following:—

- (i) The existing provision making licenses compulsory has been taken out, the question of supply to the public without license being otherwise dealt with. It is by no means certain that licenses are either necessary or desirable in the case of industrial companies of certain classes.
- (ii) Provision is made for the grant of licenses for "bulk supply," that is to say, to meet cases where the applicant company proposes to generate energy and supply it in large quantities to distributors, who would retail it under a separate license to small consumers.
- (iii) The amendment of licenses has been provided for. At present it is necessary to revoke a license and grant a fresh one in order to effect this object.
- (iv) The question of compulsory purchase has been dealt with, in regard both to the splitting up of undertakings and to those cases where purchase may be impracticable. The Act provides for the modification, but not for the omission from a license, of the purchase clauses. But these clauses, conceived as they are in the interests of the local authority concerned in a small area, are entirely out of place, and in Great Britain are regularly omitted, in the case of undertakings covering large areas in which various local authorities intervene. It is proposed therefore to modify the provision.
- (v) Many difficulties have arisen owing to the hard and fast limits of the area of supply over which a license operates, consumers just outside the boundary being debarred from participation in the benefits conferred by the public supply. A new section is proposed to deal with the matter and remove obstacles which are likely to impose quite unnecessary hardships on individuals.
- (vi) It is proposed to amend the provisions of Part III of the Act so as to make them applicable to mines and binding on the Crown. As regards railways and tramways, the proviso to sub-section (1) of section 3 in Part II and the first proviso to sub-section (1) of section 31 in Part III of the Act as it stands lay it down that nothing in these Parts respectively relating to the supply or use of energy shall apply to any railway or tramway subject to the provisions of the Indian Railways Act of 1890. The extent to which it is proposed to modify the latter of these provisions is explained in the Notes on Clauses (clause 30) while it is proposed, as already mentioned, to repeal the former.
- (vii) A slight amendment of the Land Acquisition Act, 1894, has been proposed with a view to facilitating its application to electrical works.

5. The examination of the provisions of the Act has brought to light many minor defects of substance or arrangement which it is desirable to correct, and the opportunity has therefore been taken to repeal and re-enact the Act with the necessary modifications.



The more important of these are explained in the *Notes on Clauses* below, and a Table showing how the various sections of the Act have been dealt with in the Bill is appended.

J. O. MILLER.

The 27th July 1909.

#### *Notes on Clauses.*

*Title and preamble.*—The reference to "lighting and other purposes" has been omitted, as lighting is no longer the chief application of electricity.

#### PART I.

*Clause 2 (b), (e) (i) (j) and (l).*—"Area of supply." As it is proposed in clause 28 to provide for the supply of energy in special cases outside the ordinary "area of supply" of a licensee, i.e., outside the area fixed by his license, it becomes necessary to limit this expression to the latter area. Certain modifications have been suggested in the definitions of "distributing main," "main" and "service line," in order to make them more accurate. "Prescribed" has been defined.

#### PART II.

*Clause 3 (1).*—Words have been added to meet the case of the area of supply being intersected or interrupted by an intervening area not included in it. As areas of supply under the Bill may comprise very extensive areas indeed, not improbably covering parts of more than one Province, the simple term "area" has been substituted here and elsewhere in the Bill for the expression "local area," which is liable to cause misconception.

*Clause 3 (2) (a).*—Two provisions have been added, the first to prevent delay in dealing with applications for licenses and the second to ensure that there is no objection on the part of the Commander-in-Chief where applications relate to cantonments or other places such as are mentioned in section 40 of the Act.

*Clause 3 (2) (f).*—A proviso has been added to this sub-clause barring the application of certain specified clauses of the schedule in the case of all licenses granted with reference to the special provisions of the new clause IX of the schedule, as it is thought desirable that the Bill should show clearly the alternative nature of these provisions.

*Clause 3 (3).*—This clause has been added to prevent any doubt as to the power to grant single licenses for more than one purpose.

*Clause 4 (1).*—The compulsory revocation of a license as to a part only of the area of supply might entail very great hardship on licensees, and the clause has been altered in this respect. Corresponding changes have been made in clauses 5 and 7 as to purchase. In all such cases of compulsory revocation or purchase the Government of India think that the undertaking should be dealt with as a whole, either by the local authority, if the area of supply is entirely within its jurisdiction, or by the Government in other cases.

*Clause 4 (3).*—This clause which reproduces section 4 (2) (g) of the Act now provides for the alteration of the terms and conditions of a license. The need for this power has already been felt, and it was suggested when the Act of 1903 was under discussion.

*Clause 5.*—In addition to the change explained under clause 4 (1), this clause has been modified so as not to apply to revocation by consent under clause 4 (3).

*Clause 6.*—It is not in the interest of the ratepayers or the consumers that a municipal undertaking should cease to exist on revocation for default, and the first sub-clause, which is new, provides for the purchase of the same if a buyer can be found. Failing that, the existing provisions are re-enacted in sub-clause (2). Both sub-clauses are limited to the same case as clause 5 explained above.

*Clause 7.*—The alteration made in this clause has been explained under clause 4 (1) *supra*.

*Clause 9.*—A proviso has been added to make the intention of existing clause in the Act clear as regards bulk supply.

*Clause 10.*—Provision is here made for annulling the purchase clauses and inserting other conditions in lieu thereof. Experience has shown that the power of varying the conditions given by the existing Act was not sufficient in all cases.

*Clause 11.*—There may arise cases in which the liability to render accounts might well be dispensed with. Provision has been made accordingly.

*Clause 13 (i) (f)* is new and it makes special provision for notice to the repairing authority or owner in the case of service lines.

*Clause 15 (3).*—The question of the mechanical contact of electric supply lines with the pipes of other authorised persons is distinct from that of using these pipes as conductors. This latter point has therefore now been included in clause 34, and a reference has here been inserted to that clause.

*Clause 17 (1).*—The provisions of this clause as to notice to the Telegraph authority have been revised.

*Clause 17 (2).*—is new and corresponds with clause 13 (1) (f) as regards the Telegraph authority.

*Clause 23.*—The provisions of sub-section (1) as to rebates have been altered in order to allow a wider discretion as to the forms which such rebates may take. In sub-clause (2) the opening lines relating to lighting purposes, which are no longer necessary, have been omitted.

*Clause 26* has been transferred from the Schedule to the body of the Bill, and the wording has been re-drafted.

*Clause 27.*—The provisions as to the furnishing of "duly certified" meters (section 30 of the Act) have been a dead letter. It is proposed therefore to refer to "correct" meters and to explain when a meter is deemed to be "correct."

*Clause 28.*—This clause is new and provides for the supply of energy in special cases outside the area of supply defined in the licenses. The need of such a provision has been felt.

*Clause 29.*—Section 3 of the Act, which prohibits the supply of energy for certain purposes without a license, has been omitted from the Bill and in its place has been substituted this clause, which requires the sanction of the Local Government to be obtained before any person, not being a licensee, who supplies energy to the public or to any licensee, opens or breaks up any streets, railways or tramways. The practical result of this provision will be that, though a person supplying energy to the public will not, as at present, be legally bound to take out a license, it will not be lawful for him to execute any works in connection with such supply on any public street, railway or tramway unless he either has a license, or obtains the sanction of the Local Government and conforms to the conditions prescribed by the Local Government under this clause.

### PART III.

*Clause 30.*—(a) The limitation of this Part to the use of energy not supplied under Part II has been omitted as it appeared to go too far. On the other hand, power has been taken to exempt from this Part, when the circumstances are such as to warrant this course, persons using energy so supplied.

(b) The language of the Part has been slightly modified so as to make it clear that it deals with the transmission as well as the use of energy; for which the rules under Part IV, which must be complied with in cases falling under this Part, already provide.

(c) Express provision has been made for the case of mines, although most mines are "places within which one hundred or more persons are likely ordinarily to be assembled." Their specific inclusion in the Bill is rendered desirable owing to the fact that special rules are needed to meet the peculiar conditions existing in mines.

(d) For the total exemption of railways and tramways subject to the Indian Railways Act, 1890, conferred by the first proviso in this Part of the Act, a partial exemption, limited to energy used in connection with traction, lighting and ventilation of rolling-stock has been substituted, as these matters can in the opinion of the Government of India be sufficiently controlled under the provisions of the Indian Railways Act. But installations in railway stations or in railway or tramway workshops seem to require regulation under this Part as much as the other places specified in the clause.

(e) Lastly, it has been thought desirable, following the precedents of the Indian Factories Act, 1881, and the Indian Mines Act, 1901, to declare expressly that the provisions of this Part are binding on the Crown.

### PART IV.

*Clauses 31 to 34.*—These clauses are at present in Part II of the Act, but it seems to Government that they should apply to non-licensees as well as to licensees. They have been amended so as to make them cover also persons generating, transmitting or using energy under Part III. Clause 34 has been re-drafted and made more definite; no connection of circuits with earth should be allowed unless permitted by rules under the Act or specifically sanctioned in each individual case.

*Clause 35.*—The insertion of an express provision for the payment of fees to members of Advisory Boards in the performance of their duties has been considered desirable. The clause has also been drafted so as to empower the Governor General in Council or the Local Government to regulate the duties and procedure of Boards by executive orders instead of by rules as at present.

*Clause 36* is new, and it empowers the Governor General in Council to appoint a Chief Electric Inspector and Local Governments to appoint provincial Electric Inspectors. The practical working of the measure is left to a large extent to the operation of rules, the enforcement of which is the chief duty of Electric Inspectors.

*Clause 37.*—This clause invests the Governor General in Council with the sole power of making rules. The necessity for continuing the rule-making power of Local Governments has not been proved, and no such rules have hitherto in fact been made. Further, the change is believed to be in the interests of the commercial community, who desire to have as far as possible uniform rules throughout British India, a result which can only be secured if all rules are made by the same authority. The only alterations of any importance made in this clause are:—

(1) the providing expressly for rules dealing with the transmission of energy,

though this matter is already covered by the general language of the first sub-section and has moreover been dealt with in the existing rules, and

- (2) the increase of the penalty of Rs. 100 which may at present be prescribed for breach of a rule, to Rs. 300, the present penalty being considered by the Government to be inadequate in cases where a breach may endanger life.

*Clauses 39 to 40.*—The present penal section of the Act is inconveniently long, and has therefore been split up into these separate clauses in the Bill. Clause 41, however, is new, providing a penalty for the breach of the new clause 29. Clause 42 (b) is also new and makes necessary provision for penalising inadequate arrangements on the part of licensees. This provision takes the place of section 39 (3) (b) of the Act penalising excessive variations of pressure which has been omitted because the matter can and should in India, as in England, be dealt with by rule.

*Clause 50.*—This clause, based on section 23 of the Indian Mines Act, 1901, has been introduced to prevent vexatious prosecutions.

*Clause 51.*—The powers, which the telegraph authority possesses for placing lines and posts on private property, are very wide, and the Government of India think it desirable that express power should be taken to impose conditions when these powers are delegated. The necessary addition has accordingly been made in the clause.

*Clause 55* is new. It closely follows section 25 of the Indian Railways Act, 1890, and empowers the Local Government to delegate to Electric Inspectors certain functions under the proposed Act which relate to technical matters.

*Clause 57.*—The modification proposed by sub-clause (1) in sections 40 (1) (f) and 41 (5) of the Land Acquisition Act, 1894, are intended to remove the obstacle which these provisions now present to the acquisition of land under that Act by companies formed for the purposes of electrical undertakings. At present these clauses respectively require the company to show to the satisfaction of the Local Government that *the work*, for the construction of which the land is to be acquired, is such as is likely to prove useful to the public and to provide in the agreement, into which they have to enter with the Secretary of State, for the terms on which the public shall be entitled to use *the work*, requirements with which it is obviously impossible for such companies to comply. It is therefore proposed to alter these provisions so as to give such companies the benefit of the Act if they can show that *the energy supplied* by means of the proposed work will prove useful to the public and that the public will be entitled to use *such energy* on certain terms.

The modification in the same Act provided for by sub-clause (2) follows the lines of section 7 (3) of the Indian Tramways Act, 1886, and brings licensees, who may not be companies, within the scope of the provisions of the Land Acquisition Act, 1894.

*Clause 58.*—This clause, which repeals the existing Act, specially continues licenses granted under that Act. Sub-clause (2) saves the existing rights of persons having licenses or agreements of date prior to the commencement of the Act of 1903, but, subject to such saving, the holders of such licenses are to be deemed to be licensees under the new Act. Words have been added to bring all such persons within the purview of the rules, so far as these rules are not inconsistent with the existing licenses and agreements. This latter provision is taken from rule 102 of the rules made under the present Act.

#### *The Schedule.*

Clause IV of the schedule to the Act has been re-drafted and transferred to the body of the Bill, where it is clause 26. Clause V of the same schedule has been omitted, the matter being fully dealt with by rules under section 33 (2) (g) of the Act, corresponding to clause 37 (2) (g) of the Bill.

*Clause IV.*—Clause VI of the schedule to the Act has proved unsatisfactory in practice and has been recast as clause IV of the schedule to the Bill.

*Clauses V, VI and VII.*—The position of the original clauses VIII and IX has been altered to bring them before clause VII. These three clauses are now V, VI and VII of the schedule to the Bill, respectively. Clause VI lays down the ordinary procedure for obtaining a supply of energy where the licensee's distributing mains are within one hundred yards of the applicant's premises. Clause VII relates to special cases which do not fall within the scope of clause VI, and it has been redrafted to make this point clear. In clause VI (2) of the Bill the words "or as to any alleged excess or defect in the pressure or quantity of the energy supplied" have been omitted because the matter should be dealt with by rules under clause 37 (2) (e), a penalty being provided in clause 37 (3). The existing rules deal fully with the matter.

*Clause IX* is new and of importance. Its provisions are derived from special Acts (see, e.g., the Scottish Central Power Act, 1903, sections 42, 45 and 55) which have been passed in Great Britain for companies supplying power on a wholesale scale over large areas to other licensees and to large power users. Though the term "supply in bulk" which is used in those Acts has not been reproduced in the Bill, the effect of the clause does not differ materially from that of the Statutes referred to. The note on clause 3 (2) (f), *supra*, shows that, in cases coming under this clause, certain other clauses of the schedule will not apply. The corresponding clauses of the schedule to the Electric Lighting Clauses Act, 1899 (62 & 63 Vict., c. 19), are similarly excluded from incorporation in the British Power Acts above referred to.

Table showing disposal of sections of Act III of 1903.

Section of Act.	Clause of Bill.	REMARKS.
1	1	
2	2	Clauses (d), (h), (j), (m) omitted.
3	Omitted	See clause 29.
4 (1)	3	
4 (2), (3)	4	Section 4 (2) (g) is clause 4 (3).
5	5	
6	6	
7	7	Section 7 (3) omitted.
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	
17	18	
18	19	
19	20	
20	21	
21	22	
22	Omitted.	The proviso to section 22 (1) is now the 7th proviso to clause VI of the Schedule.
23	23	
24	24	
25	25	
26	31	Transferred to Part IV.
27 (1)	17	
27 (2) to (4)	32	Transferred to Part IV.
28	33	Transferred to Part IV.
29	26 34 (2) }	This section has been divided up, parts of it being transferred to Part IV.
30	27	
31	30	

Table showing disposal of sections of Act III of 1903—continued.

Section of Act.	Clause of Bill.	REMARKS.
32	35	
33	37	
33 (2) (i)	37(2) (i)	See clause 36.
33(2)(j)	Omitted	See clause 35 of the Bill.
34	38	
35	51	
36	52	
37	53	
38	54	
39 (1)	39	
39 (2)	40	
39 (3)	42	Sub-clause (b) omitted.
39 (4)	43	
39 (5)	44	
39 (6)	45	
39 (7)	46	
39 (8)	47	
39 (9)	48	
39 (10)	49	
40	Omitted.	
41	56	
42	Cf. 58	

Note. —The following clauses of the Bill are new, viz., 28, (29), 36, 41, 50, 55, 57.



*Table showing disposal of sections of Act III of 1903—concluded.*

SCHEDULE.

Clause of Schedule to Act.	Clause of Schedule to Bill.	REMARKS.
I	I	Sub-clause (a) omitted.
II	II	
III	III	
IV	Omitted	Dealt with in ss. 26 and 34 of Bill.
V	Omitted	Dealt with by rule.
VI	IV	
VII	VII	
VIII	V	
IX	VI	The 7th proviso is taken from s. 22 of the Act.
X	VIII	
XI	X	
XII	XI	
XIII	XII	
XIV	XIII	
XV } XVI }	XIV	
XVII	XV	
XVIII	XVI	
XIX	XVII	
	IX	New.

J. M. MACPHERSON,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th July, 1909:

NO. 6 OF 1909.

*A Bill further to amend the Indian Volunteers Act, 1869.*

XX of 1869. WHEREAS it is expedient further to amend the Indian Volunteers Act, 1869; It is hereby enacted as follows:—

1. This Act may be called the Indian Volunteers (Amendment) Act, 1909.  
Short title.

2. After section 29 of the Indian Volunteers Act, 1869, the following section shall be inserted, namely:

“30. Any member of the Territorial Force, raised and maintained in pursuance of section 5 of the Territorial and Reserve Forces Act, 1907, who is attached to a corps of volunteers formed under this Act, shall be subject to the provisions of this Act during the period for which he is so attached.”

STATEMENT OF OBJECTS AND REASONS.

It is considered very important that any individuals attached to corps should, while so attached, be subject to the same law and regulations as that corps itself.

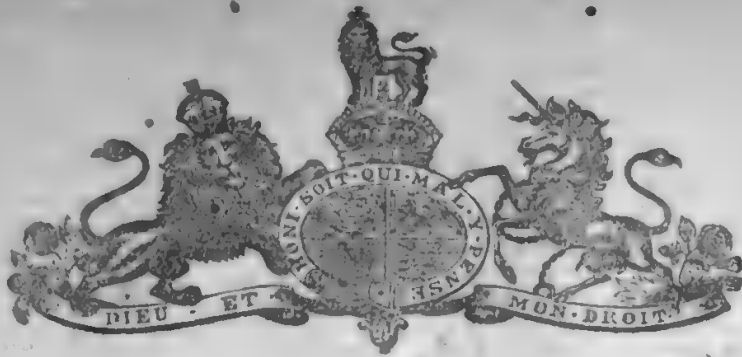
By sections 8 and 9 of the Army (Annual) Act, 1909, the Army Act has recently been amended with a view to placing under military law for the time being any member of an Indian volunteer corps who may be attached, for the purpose of training, to the Territorial or the Regular Forces in the United Kingdom.

The object of this Bill is to make a corresponding amendment in the provisions of the Indian Volunteers Act, 1869, in order that any member of the Territorial Force, who may be attached to a volunteer corps in India, shall be subject to the provisions of the Indian Volunteers Act during the period he is attached to such corps.

*The 29th July 1909.*

KITCHENER,  
General.

J. M. MACPHERSON,  
Secretary to the Government of India



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 28, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th August, 1909 :

No. 7 of 1909.

*A Bill to provide for the prevention of the spread of Dourine.*

WHEREAS it is expedient to provide for the prevention of the spread of dourine ; It is hereby enacted as follows :—

1. (1) This Act may be called the Dourine Act, 1909 .

(2) This section extends to the whole of British India : the rest of this Act extends only to such areas as the Local Government may, by notification in the local official Gazette, direct.

2. (1) In this Act, the expressions "inspector" and "veterinary practitioner" mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed.

(2) The provisions of this Act relating to entire horses shall apply also to entire asses used for mule-breeding purposes.

3. The Local Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

4. (1) The Local Government may, by notification as aforesaid, appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Powers of inspector.

5. An inspector may—  
(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine ; and

(b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner.

6. An inspector issuing an order under section 5, clause (b), shall forthwith forward a copy of such order to the veterinary practitioner.

7. A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place.

Powers of veterinary practitioner.

8. A veterinary practitioner may—  
(a) cancel any order issued under section 5, clause (b) ; or,

XLV of 1860.

- (b) if on microscopical examination he finds that any horse is affected with dourine, order—
- (i) in the case of an entire horse, that it be castrated,
  - (ii) in the case of a mare, that it be branded in such manner as he may direct, or, with the previous sanction of the Commissioner or such other officer as the Local Government may appoint in this behalf, that it be destroyed.
9. When any horse is castrated or destroyed Compensation for under any order made horse destroyed, etc. under section 8, the market-value of such horse immediately before it became affected with dourine shall be ascertained; and the Local Government shall pay as compensation to the owner thereof—
- (a) in the case of a mare which has been destroyed, or of an entire horse which has died in consequence of castration, such market-value, and,
  - (b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection with dourine and castration.
10. The amount of compensation to be paid Settlement of compensation. under section 9 shall be decided by a veterinary practitioner.
11. (1) The Local Government shall, by rules Committees for hearing appeals. published in the local official Gazette, constitute a committee or committees for the hearing of appeals from decisions under section 10.
- (2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the employ of Government or of a local authority.
12. Any owner may, within three months from Appeals. the date of a decision under section 10, appeal against such decision to the committee constituted in that behalf by rules made under section 11, and the decision of such committee shall be final.
13. When any mare is branded under an Compensation for order made under section mare branded. 8, the Local Government may pay to the owner thereof such compensation as it thinks fit.
14. (1) The Local Government may make Rules. rules for the purpose of carrying into effect the provisions of this Act.
- (2) All such rules shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act.
15. Whoever uses or permits to be used for Penalties. breeding purposes—
- (a) any horse which has not been registered in accordance with the requirements of a notification under section 3, or
  - (b) any horse in respect of which an order under section 5, clause (b), is in force, or
  - (c) any mare which has been branded in pursuance of an order made under section 8, clause (b),
- shall be punishable with fine which may amount in the case of a first conviction to fifty rupees or in the case of a second or subsequent conviction to one hundred rupees.

### STATEMENT OF OBJECTS AND REASONS.

THE object of the Bill is to prevent the spread of dourine, a contagious disease of horses which is spread by coition. The existence in India of this obscure disease was first brought to the notice of Government in 1903. As it was reported to constitute a serious menace to the horse-breeding industry in this country, precautionary measures were at once taken executively to check the spread of the disease, especially in the horse-breeding districts of Northern India. In the following year attention was again drawn to the importance of the subject, and as the result of a report by the present Inspector General of the Civil Veterinary Department, further executive action was taken. After consulting Local Governments it was eventually decided that, in order effectually to combat the disease, legislation was necessary.

2. The Bill, which is self-explanatory, has been drawn up on the model of the Glanders and Farcy Act, XIII of 1899. It is permissive in character and has been drafted so as to allow the widest discretion to Local Governments as regards the registration of stallions maintained for breeding purposes.

3. Dourine cannot be diagnosed except by bacteriological examination, and sub-clause 8 (b) accordingly makes proof of the disease by microscopical examination a necessary preliminary to further action under that clause. It is considered advisable to enlist the co-operation of horse-owners as much as possible in dealing with this obscure and dangerous disease, and liberal provision has been made in clause 9 for the payment of compensation when necessary.

The 14th August 1909.

J. O. MILLER.

J. M. MACPHERSON,  
Secretary to the Government of India.

*The Indian Paper Currency Bill.**(The Department of Paper Currency.)*

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th August 1909 :

No. 8 of 1909.

**THE INDIAN PAPER CURRENCY BILL.**

## CONTENTS.

*Preliminary.*

## CLAUSES.

1. Short title and extent.
2. Definition.

*The Department of Paper Currency.*

3. Department of Paper Currency for issue of currency notes.
4. Head Commissioner of Paper Currency.
5. Power to establish circles of issue, offices of issue and currency agencies.
6. Commissioners of Paper Currency and Currency Agents.
7. Subordination of officers.
8. Appointment of officers.

*Supply and Issue of Currency Notes.*

9. Head Commissioner and Commissioners to provide and distribute currency notes.
10. Signatures to currency notes.
11. Issue of currency notes for silver or gold coin by officers in charge of circles.
12. Issue of currency notes for silver or gold coin by Currency Agents.
13. Issue to Government Treasuries of currency notes for gold coin not legal tender or gold bullion.
14. Issue of currency notes for certain gold coin or gold or silver bullion or securities held by Secretary of State.

*Currency Notes where legal tender and where payable.*

15. Currency notes where legal tender.
16. Currency notes where payable.
17. Currency notes issued from currency agencies where deemed to be issued.
18. Provision in case of closure of office.

*Reserve.*

19. Reserve coin, bullion and securities to be equal to amount of currency notes in circulation.
20. Power to dispose of coin and bullion in reserve.
21. Coin and bullion to remain part of reserve during transit between England and India.
22. Nature and value of securities which may form reserve.
23. Trustees of Indian securities purchased under Act.
24. Power to sell and replace Indian securities.
25. Account of interest on securities.

*Private Bills payable to Bearer on Demand.*

26. Prohibition of issue of private bills or notes payable to bearer on demand.
27. Penalty for issuing such bills or notes and institution of prosecutions.

*Supplementary Provisions.*

28. Abstracts of accounts.
29. Power to make rules.
30. Repeals.

## THE SCHEDULE.—ENACTMENTS REPEALED.

*A Bill to Consolidate and amend the law relating to the Government Paper Currency.*

WHEREAS it is expedient to consolidate and amend the law relating to the Government Paper Currency; It is hereby enacted as follows :—

*Preliminary.*

1. (1) This Act may be called the Indian Paper Currency Act, 1909; and [Act III, 1909, s. 1.]

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

2. In this Act, "universal currency note" means— [New.]

(a) a note of the denominational value of five rupees, ten rupees or fifty rupees, or

(b) a note of any other denominational value which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

*The Department of Paper Currency.*

3. There shall continue to be a Department of the public service, to be called the Department of Paper Currency, whose function shall be the issue of promissory notes of the Government of India, to be called currency notes, payable to bearer on demand, and of such denominational values, not being less than five rupees, as the Governor General in Council may direct. [Act III, 1909, s. 2.]

4. At the head of the Department there shall be an officer to be called the Head Commissioner of Paper Currency. [ib., s. 3.]

5. The Governor General in Council may, by notification in the Gazette of India,— [ib., s. 4.]

(a) establish districts, to be called circles of issue, seven of which circles shall include the towns of Calcutta, Madras, Bombay, Rangoon, Lahore, Cawnpore and Karachi, respectively;

(b) appoint in each circle some one town to be the place of issue of currency notes, as hereinafter provided;

(c) establish in each such town an office or offices of issue; and

(d) establish in any town situate in any circle an office, to be called a currency agency.



*The Indian Paper Currency Bill.*

*(The Department of Paper Currency. Supply and Issue of Currency Notes. Currency Notes where legal tender and where payable.)*

[Act III, 1905, s. 5.] 6. (1) The Head Commissioner of Paper Currency shall be the officer in charge of the circle of issue which includes the Town of Calcutta.

(2) For each other circle of issue there shall be an officer in charge to be called the Commissioner of Paper Currency, and for each Currency Agency an officer to be called the Currency Agent.

[ib., s. 6.] Subordination of officers. 7. For the purposes of this Act,—

(a) Commissioners of Paper Currency shall be subordinate to the Head Commissioner of Paper Currency; and

(b) the Currency Agent at any town shall be subordinate to the Head Commissioner or Commissioner, as the case may be, of Paper Currency for the circle of issue in which that town is situate.

[ib., s. 7.] 8. All officers under this Act shall be appointed by the Governor General in Council.

*Supply and Issue of Currency Notes.*

[ib., s. 8.] 9. (1) The Head Commissioner shall provide currency notes of the denominational values prescribed under this Act, and shall supply the Commissioners and the Currency Agents subordinate to him with such notes as they need for the purposes of this Act.

(2) The Commissioners shall supply the Currency Agents subordinate to them, respectively, with such notes as those Agents need for the purposes of this Act.

(3) Every such note, other than a universal currency note, shall bear upon it the name of the town from which it is issued.

[ib., s. 9.] 10. The name of the Head Commissioner, of one of the Commissioners, or of some other person authorized by the Head Commissioner, or by one of the Commissioners, to sign currency notes, shall be subscribed to every such note, and may be impressed thereon by machinery, and when so impressed shall be deemed to be a valid signature.

[ib., s. 10.] 11. The officers in charge of circles of issue shall, in their respective circles, on the demand of any person, issue, from the office or offices of issue established in their respective circles, currency notes of the denominational values prescribed under this Act, in exchange for the amount thereof—

(a) in rupees or half rupees or in gold coin which is legal tender under the Indian Coinage Act, 1906, or

(b) in rupees made and declared to be a legal tender under the provisions of the Native Coinage Act, 1876.

12. Any Currency Agent to whom currency notes have been supplied under section 9 may, if he thinks fit, on the demand of any person, issue from his agency any such notes in exchange for the amount thereof in any coin specified in section 11.

13. The officers in charge of circles of issue shall, on the requisition of the Comptroller General, issue to any Government Treasury currency notes in exchange for gold coin which is not legal tender under the Indian Coinage Act, 1906, or for gold bullion at the rate of one rupee for 753344 grains troy of fine gold.

14. If the Secretary of State for India in Council consents to hold in gold coin or bullion, or in silver bullion or in securities of the kinds mentioned in section 22, the equivalent in value to notes issued in India as a reserve to secure the payment of such notes, the Governor General in Council may from time to time direct that currency notes shall be issued to an amount equal to the value of the coin, bullion and securities so held by the Secretary of State for India in Council.

*Currency Notes where legal tender and where payable.*

15. A universal currency note shall be a legal tender at any place in British India, and

any other currency note shall be a legal tender at any place within the circle from which the note was issued,

for the amount expressed in the note in payment or on account of—

(a) any revenue or other claim, to the amount of five rupees or upwards, due to the Government of India, and

(b) any sum of five rupees or upwards, due by the Government of India, or by any body corporate or person in British India:

Provided that no currency note shall be deemed to be a legal tender by the Government of India at any office of issue.

16. A currency note shall be payable at the following offices of issue, namely:—

(a) a universal currency note at any office of issue,

(b) a currency note other than a universal currency note at any office of issue in the town from which it was issued; Provided that any such note issued before the commencement of this Act shall also be payable,

(i) in the case of a note issued from the office at Cawnpore or Lahore, at any office of issue in Calcutta, and

(ii) in the case of a note issued from the office at Karachi, at any office of issue in Bombay.

III of 1906.

IX of 1876.

*The Indian Paper Currency Bill.**(Currency Notes, where legal tender and where payable. Reserve. Private Bills payable to Bearer on Demand.)*

Act III,  
1905, s. 16.] 17. For the purposes of sections 15 and 16 currency notes issued from any currency agency shall be deemed to have been issued from the town appointed under section 5 to be the place of issue in the circle of issue in which that agency is established.

How.] 18. Where an office of issue is closed, the Governor General in Council shall, by notification in the Gazette of India, direct that, with effect from the date of the closing of such office, all currency notes issued therefrom shall, for the purposes of sections 15 and 16 be deemed to have been issued from such other office as may be specified in such notification.

*Reserve.*

Act III,  
1905, s. 17.] 19. The whole amount of currency notes at any time in circulation shall not exceed the total amount represented by the sovereigns, half sovereigns, rupees, half rupees and gold bullion, and the sum expended in the purchase of the silver bullion and securities, which are for the time being held by the Secretary of State for India in Council and by the Governor General in Council as a reserve to provide for the satisfaction and discharge of the said notes, and the said notes shall be deemed to have been issued on the credit of the Government of India as well as on the security of the said coin, bullion and securities:

Provided that, for the purposes of this section, currency notes which have not been presented for payment, in the case of notes of any denominational value not exceeding one hundred rupees within forty years, and in the case of notes of any denominational value exceeding one hundred rupees within one hundred years, from the first day of April following the date of their issue, shall be deemed not to be in circulation:

Provided further that all notes which are declared under the first proviso to this section not to be in circulation shall be deemed to have been issued on the credit of the Government of India and shall, if subsequently presented for payment, be paid from the revenues of the Government of India.

Act III,  
1905, s. 18.] 20. Subject to the provisions of section 19, the Governor General in Council may at any time, if he thinks it expedient, convert any of the coin or bullion for the time being held by him as a part of the reserve into coin of any of the kinds mentioned in section 11 or into gold or silver bullion.

How.] 21. If any coin or bullion held by the Secretary of State for India in Council or by the Governor General in Council as part of the reserve is transmitted by the Secretary of State for India in Council to the Governor General in Council or by the Governor General in Council to the Secretary of State for India in Council, it shall be deemed during the period of

transmission to remain part of the reserve referred to in section 19.

22. The securities mentioned in section 19 shall be securities of the United Kingdom of Great Britain and Ireland or of the Government of India, or securities issued by the Secretary of State for India in Council under the authority of Act of Parliament and charged on the revenues of India, and the value of them at the price at which they are purchased shall not exceed one hundred and twenty millions of rupees:

Provided that the value at such price as aforesaid of such of the said securities as are not securities of the Government of India shall at no time exceed twenty millions of rupees.

23. The securities purchased by the Governor General in Council shall be securities of the Government of India, and shall be held by the Head Commissioner and the Master of the Mint at Calcutta, or of such other Mint as the Governor General in Council may direct in this behalf, in trust for the Secretary of State for India in Council.

24. (1) The Head Commissioner may, at any time, when ordered so to do by the Governor General in Council, sell and dispose of any of the securities held under section 23.

(2) For the purpose of effecting such sales, the Master of the Mint at Calcutta or of such other Mint as aforesaid shall, on a request in writing from the Head Commissioner, at all times sign and endorse the securities, and the Head Commissioner, if so directed by the Governor General in Council, may purchase securities of the Government of India to replace such sales.

25. An account showing the amount of the interest accruing on the securities held as part of the reserve under this Act, and the expenses and charges incidental thereto, shall be rendered annually by the Head Commissioner to the Governor General in Council, and published annually in the Gazette of India.

*Private Bills payable to Bearer on Demand.*

26. No person in British India shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person:

Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.

*The Indian Paper Currency Bill.**(Private Bills payable to Bearer on Demand. Supplementary Provisions.)*

[16, s. 25.] 27. (1) Any person contravening the provisions of section 26 shall, on conviction by a Presidency Magistrate or a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

(2) Every prosecution under this section shall be instituted by the officer in charge of the circle of issue in which the bill, hundi, note or engagement is drawn, accepted, made or issued.

*Supplementary Provisions.*

[16, s. 26.] 28. An abstract of the accounts of the Department of Paper Currency, showing—

- (a) the whole amount of currency notes in circulation,
- (b) the amount of coin and bullion reserved, distinguishing gold from silver, and showing separately the amount of coin or bullion held by the Secretary of State for India in Council, or in transit from or to India, or in the custody of the Mint Master during coinage, and
- (c) the nominal value of, and the price paid for, the securities held as part of the reserve, showing separately those held by the Secretary of State for India in Council and those held in India under section 23;

shall be made up four times in each month by the Head Commissioner, and published, as soon as may be, in the Gazette of India.

[Act III, 1905, s. 27.] 29. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the denominational values (not being less than five rupees) for which currency notes shall be issued;
- (b) provide for the alteration of the limits of any of the circles of issue;
- (c) declare the places at which currency notes shall be issued; and
- (d) fix and notify the conditions upon which lost or mutilated currency notes may be paid at offices of issue.

(3) Every such rule shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act.

30. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the last column thereof:

Provided that all securities purchased and notes issued under the Indian Paper Currency Act, 1905, or any Act thereby repealed shall, if undischarged of or in circulation at the commencement of this Act, be deemed to have been respectively purchased and issued under this Act:

Provided also that all currency notes, which under section 29 of the Indian Paper Currency Act, 1905, are to be deemed to have been issued from the office of issue in the town of Cawnpore, shall still be deemed to have been issued from that office.

**THE SCHEDULE.****ENACTMENTS, REPEALED.**

(See section 30.)

Year.	No.	Short title.	Extent of repeal.
1905	III	The Indian Paper Currency Act, 1905.	So much as has not been repealed.
1909	II	The Indian Paper Currency (Amendment) Act, 1909.	The whole.

**STATEMENT OF OBJECTS AND REASONS.**

THE object of this Bill is the amendment of the Indian Paper Currency Act, 1905, in two directions as described below:—

*Firstly,*

- (a) by declaring currency notes of the denominational values of rupees ten and fifty to be "universal" (as currency notes of the value of five rupees already are), that is to say, to be legal tender in any part of British India and payable at any currency office; and
- (b) by taking general power to make a similar declaration regarding currency notes of other denominations, as may from time to time be found expedient.

*Secondly,*

- (a) by abolishing the existing sub-circle arrangements, under which currency notes other than universal notes are at present payable not only at the office of issue, but also at the Presidency-town in which the office is situate; and
- (b) by establishing independent circles of issue at Cawnpore, Lahore and Karachi and abolishing the Calicut sub-circle office.

As the attainment of this object involves considerable amendment of the existing Act, it has been thought advisable to take the opportunity of consolidating the law on the subject. The present Bill is, therefore, introduced as a consolidating Bill repealing and replacing Act III of 1905.

The annexed notes on the various clauses of the Bill explain the amendments proposed, other than petty verbal changes such as the reference to the present Indian Coinage Act instead of to that of 1870 in clauses 11 and 13.

*The 26th August 1909.*

GUY FLEETWOOD WILSON.

*Notes on Clauses.*

*Clause 2* contains a definition of the term "universal currency note."

Sub-clause (a) provides for the immediate universalisation of the ten and fifty rupee notes, and sub-clause (b) is designed to obviate further amendment of the law if experience should show that other notes can beneficially be universalised.

*Clause 4.*—The latter part of section 3 of the existing Act is rendered unnecessary by the changes proposed in clauses 5 and 6, and has accordingly been omitted.

*Clause 5.*—Section 4, clause (a), of the existing Act has been altered to provide for the new circles of issue; and the retention of clause (e) is rendered unnecessary by the abolition of sub-circles.

*Clause 6.*—In view of the abolition of sub-circles, it is considered unnecessary to retain the distinction between Deputy Commissioners and Commissioners of Paper Currency. Henceforward all will be Commissioners.

*Clauses 7, 9 and 10.*—The changes made in sections 6, 8 and 9 of the Act are rendered necessary by the proposed abolition of the post of Deputy Commissioners of Paper Currency.

*Clauses 15 and 16.*—The sections concerned with "legal tender" and the encashment of notes have been modified to provide for the universal notes.

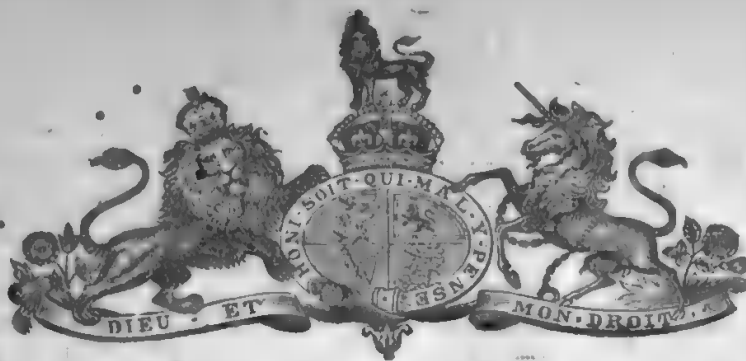
Provisos (i) and (ii) in clause 16 continue the privilege of double encashment (at the local office and at the head office of the circle) to sub-circle notes of what will hereafter be separate circles issued prior to the passing of the Bill.

*Clause 18.*—This is a new clause, designed to provide, particularly, for the future treatment of notes issued from Calicut and now current, and, generally, for any future case in which it may be found necessary to close an office of issue.

*Clause 29 (d).*—Power has been taken to make rules, such as are already in force under executive instructions, for dealing with the encashment of lost or mutilated notes.

J. M. MACPHERSON,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 11, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September 1909 :

WE, the undersigned, Members of the Select Committee to which the Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand was referred, have considered the Bill and the papers noted in the appendix, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2 We have altered the form of the preamble which, as it stood in the Bill as introduced, might have been interpreted as implying that legislation was necessary in order to make Anand marriages legal.

3. Clause 2 has been recast by us so as to make it cover Anand marriages already solemnized as well as those which may be solemnized hereafter, in order to prevent any doubts being raised as to the validity of such marriages in the past. We have also omitted the reference to remarriages which seemed to us unnecessary, as the word "marriage" includes remarriage also.

4. Sub-clause (a) of clause 3 has been inserted by us in order to meet a criticism passed on the Bill as introduced that it might be read as validating the Anand form of marriage in the case of persons who were not Sikhs.

5. Clause 4 is new and has been added, in accordance with a suggestion of the Lieutenant-Governor of the Punjab, in order to make it clear that there is no intention to make the form of marriage which the Bill proposes to validate an obligatory one.

6. Clause 5 provides for the point dealt with in sub-clause (b) of clause 3 of the Bill as introduced in a more convenient form.

7. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India . . . . .		31st October 1908.
Fort Saint George Gazette . . . . .		10th November 1908.
Bombay Government Gazette . . . . .		5th November 1908.



Calcutta Gazette . . . . .	11th November 1908.
United Provinces Gazette . . . . .	7th November 1908.
Punjab Government Gazette . . . . .	13th November 1908.
Burma Gazette . . . . .	21st November 1908.
Central Provinces Gazette . . . . .	7th November 1908.
Eastern Bengal and Assam Gazette . . . . .	11th November 1908.
Coorg District Gazette . . . . .	1st December 1908.
Sind Official Gazette . . . . .	5th November 1908.

*In the Vernaculars.*

Province.	Language.	Date.
Bombay . . . . .	Marathi . . . . . Gujarathi . . . . . Kanarese . . . . . Urdu . . . . .	} 3rd December 1908.
Bengal . . . . .	Bengali . . . . . Hindi . . . . . Uriya . . . . .	
United Provinces Gazette . . . . .	Urdu . . . . .	19th December 1908.
Punjab . . . . .	Urdu . . . . .	18th December 1908.
Eastern Bengal and Assam . . . . .	Bengali . . . . .	28th November 1908.
Sindh . . . . .	Sindhi . . . . .	24th December 1908.

8. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

SUNDAR SINGH, MAJITHIA.

S. P. SINHA.

H. H. RISLEY.

W. R. H. MERK.

*The 8th September 1909.*

**No. II.**

[The portions printed in italics denote the alterations proposed by the Select Committee.]

*A Bill to remove doubts as to the validity of the marriage ceremony common among the Sikhs called Anand.*

WHEREAS it is expedient to remove any doubts as to the validity of the marriage ceremony common among the Sikhs called Anand; It is hereby enacted as follows:—

1. (1) This Act may be called the Anand Marriage Act, 1909; and  
Short title and extent.

(2) It extends to the whole of British India.

2. All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been

with effect from the date of the solemnisation of each respectively, good and valid in law.

3. Nothing in this Act shall apply to—  
Exemption of certain marriages from Act.

(a) any marriage between persons not professing the Sikh religion, or

(b) any marriage which has been judicially declared to be null and void.

4. Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs.  
Solemnization of marriages according to other ceremonies.

5. Nothing in this Act shall be deemed to validate any marriage which is prohibited by the personal law of the Sikhs.  
Non-validation of marriages within prohibited degrees.

## APPENDIX.

- From the Hon'ble Tikka Sahib Ripudaman Singh of Nabha, dated 3rd November 1908, and enclosures [Papers No. 1].
- Office Memorandum by Private Secretary to Viceroy, No. 1262, dated 16th November 1908, and enclosures [Papers No. 2].
- From Honorary Secretary, Singh Sabha, Patiala, dated 10th November 1908, and enclosures [Papers No. 3].
- From Jagindar Singh, Manager, People's Bank of India, Limited [Paper No. 4].
- From Chief Commissioner, Coorg, No. 2011, dated 18th November 1908 [Paper No. 5].
- From Bhai Labh Singh, Updeshak, Chief Khalsa Diwan, Jullundur, dated 16th November 1908 [Paper No. 6].
- From Secretary, Sri Guru Singh Sabha, Rawalpindi, dated 9th November 1908, and enclosure [Papers No. 7].
- From President of Meeting of Sikh Community of Dhudial, dated 21st November 1908 [Paper No. 8].
- From Suraj Singh, Parcharak, Sikh Ashram, Ferozepore, dated 16th November 1908 [Paper No. 9].
- From Narinjan Singh, Secretary, Meeting of Sikh Community, Peshawar, dated 17th November 1908, and enclosure [Papers No. 10].
- From Secretary, Sri Guru Singh Sabha, Simla, No. 48, dated 16th November 1908, and enclosure [Papers No. 11].
- From Secretary, Sri Guru Singh Sabha, Lyallpur, No. 42, dated 23rd November 1908, and enclosure; Office Memo by Private Secretary to Viceroy, No. 1279, dated 21st November 1908, and enclosure; from Secretary, Sri Guru Singh Sabha, Amritsar, No. 154, dated 22nd November 1909, and enclosure; Proceedings of General Meeting of Sikh Community of Sirsa City, held on 21st November 1908; Office Memo. by Private Secretary to Viceroy, No. 1281, dated 23rd November 1908, and enclosure; from President, Sri Guru Singh Sabha, Phagwara, dated 21st November 1908 [Papers No. 12].
- From Secretary, Singh Sabha, Mansehra, Hazara District, dated 24th November 1908, [Paper No. 13].
- From High Court, Calcutta, No. 3847, dated 30th November 1908 [Paper No. 14].
- Abstract of three letters from Guru Sikh Sabha, Palli Unchi, District Jullundur; from the Sikh Sabha, Una, District Hoshiarpur; and from Sri Guru Sabha, Bhatinda [Paper No. 15].
- From Government, Eastern Bengal and Assam, No. 5381-J., dated 12th December 1908 [Paper No. 16].
- From Government, Burma, No. 933-L.-28, dated 18th December 1908 [Paper No. 17].
- From Secretary, Judicial and Public Department, India Office, dated 18th December 1908, and enclosures [Papers No. 18].
- Resolutions passed by Sikh Residents at Lucknow, at meeting held on 14th December 1908 [Paper No. 19].
- From President, Sri Guru Singh Sabha, Loralai, dated 25th December 1908, and enclosure [Paper No. 20].
- From Members of Singh Sabha, Lashker, Gwalior State, dated 29th December 1908 [Paper No. 21].
- From President, Meeting of Sikhs, Sibi, dated 26th December 1908, and enclosure [Papers No. 22].
- Resolution passed by Sri Guru Singh Sabha, Ipoh, Perak, dated 20th December 1908 [Paper No. 23].
- Office Memo. by Private Secretary to Viceroy, No. 1549, dated 30th December 1908, and enclosure [Papers No. 24].
- From Sikh Community of 90th Punjabis, Rangoon, No. 1432-Misc., dated 18th December 1908 [Paper No. 25].
- From Secretary, Sri Guru Singh Sabha, Srinagar, dated 18th December 1908, and enclosure [Papers No. 26].
- Proceedings of Public Meeting of Sikhs held at Ajmer, Rajputana on 14th December 1908 [Paper No. 27].

- From Tikka Sahib Ripudaman Singh of Nabha, dated 23rd December 1908, and enclosures [Papers No. 28].
- From President, Sri Guru Singh Sabha, Nairobi, British East Africa, dated 14th December 1908, and enclosure [Papers No. 29].
- From Secretary, Sri Guru Singh Sabha, Hongkong, dated 30th December 1908, and enclosure [Papers No. 30].
- From Officer in Command, Sikh Police, and Honorary President, Sikh Committee, Shanghai, dated 26th December 1908 [Paper No. 31].
- From Secretary and President, Khalsa Division, Taiping, dated 8th January 1909, and enclosure [Papers No. 32].
- From Government, Madras, No. 41, dated 19th January 1909, and enclosures [Papers No. 33].
- From Honorary Secretary, Sikh Association, Penang, dated 19th January 1909 [Paper No. 34].
- From Officiating Chief Commissioner, Ajmer-Merwara, No. 116, dated 23rd January 1909 [Paper No. 35].
- From Government, United Provinces, No. 119—VII—409, dated 27th January 1909 [Paper No. 36].
- From Government, Bengal, No. 862, dated 9th February 1909 [Paper No. 37].
- From Khalsa Diwan, Vancouver, B. C., dated 1st January 1909 [Paper No. 38].
- From Government, Bombay, No. 671, dated 6th February 1909 [Paper No. 39].
- From President, Sri Guru Singh Sabha, Nakuru, British East Africa, dated 15th December 1908 [Paper No. 40].
- Endorsement by Government of India, Home Department, No. 231, dated 12th February 1909, and enclosures [Papers No. 41].
- From Chief Commissioner, Central Provinces, No. 356-V-4-11, dated 13th February 1909 [Paper No. 42].
- From Chief Commissioner, North-West Frontier Province, No. 443-G., dated 12th February 1909, and enclosures [Papers No. 43].
- From Chief Commissioner, British Baluchistan, No. 655-S., dated 17th February 1909 [Paper No. 44].
- Office Memo. by Private Secretary to Viceroy, No. 1890, dated 2nd March 1909, and enclosure [Papers No. 45].
- Abstract of translation of letter from Secretary, Khalsa Young Marriage Association, Rangoon [Paper No. 46].
- From Tikka Sahib of Nabha, dated 14th March, and enclosures [Papers No. 47].
- From Sikhs in Arakan Division of Burma [Paper No. 48].
- Resolution by Sikh soldiers of No. 1 Company Hong-Kong and Singapur Battalion, Royal Garrison Artillery, held at Mauritius, dated 24th February 1909 [Paper No. 49].
- From Members of Singh Sabha, Simons Town, South Africa, dated 8th March 1909 [Paper No. 50].
- Office Memorandum from Private Secretary to His Excellency the Viceroy, No. 2190, dated 5th May 1909, and enclosure [Papers No. 51].
- From Government, Punjab, No. 427 (Home—Judicial), dated 20th April 1909, and enclosures; from ditto, No. 497 Home, dated 7th May 1909, and enclosures [Papers No. 52].
- From ditto, No. 298-S., Home, dated 4th June 1909, and enclosures [Papers No. 53].
- From Bhai Awtar Singh, Rawalpindi, dated 1st July 1909 [Paper No. 54].
- Translation of a letter from Sirdar Arur Singh, Honorary Magistrate, First Class, Amritsar, to Tikka Sahib of Nabha, dated 29th July 1909 [Paper No. 55].
- From Tikka Sahib of Nabha, dated 9th August 1909, and enclosures [Paper No. 56].
- Opinion from five Pujaris of the three Gurdwaras (Temples) in Amritsar [Paper No. 57].

J. M. MACPHERSON,

Secretary to the Government of India.

Page 107 to 110 of Part V, dated  
December 4, supplied with Gazette of  
India of that date may be cancelled and  
the attached substituted for the same  
pages of the Gazette dated September 11,  
1909.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September 1909 :

## NO. 9 OF 1909.

*A Bill to consolidate and amend the law relating to the Indian Museum.*

WHEREAS it is expedient to consolidate and amend the law relating to the Indian Museum ; It is hereby enacted as follows :—

*Preliminary.*

1. (1) This Act may be called the Indian Museum Act, 1909 .

(2) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct.

*Incorporation of the Trustees.*

Y. s. 3 (3),  
XIV of  
187.]

Constitution and incorporation of the Trustees of the Indian Museum.

2. (1) The Trustees of the Indian Museum (hereinafter called the Trustees) shall be—

- (a) the six persons for the time being performing the duties of the following offices, namely :—
  - (i) the Accountant General of Bengal ;
  - (ii) the Principal, Government School of Art, Calcutta ;
  - (iii) the Director, Geological Survey of India ;
  - (iv) the Superintendent of the Zoological and Anthropological Section of the Museum ;
  - (v) the Director General of Archaeology ; and
  - (vi) the Officer in charge of the Industrial Section of the Museum ;
- (b) one other person to be nominated by the Governor General in Council ;
- (c) three other persons to be nominated by the Lieutenant-Governor of Bengal ;
- (d) one other person to be nominated by the Council of the Asiatic Society of Bengal ;
- (e) one other person to be nominated by the Bengal Chamber of Commerce ;
- (f) one other person to be nominated by the British Indian Association, Calcutta ;
- (g) one other person to be nominated by the Syndicate of the Calcutta University ; and
- (h) three other persons to be nominated by the Trustees.

(2) The Trustees shall be a body corporate, by the name of "The Trustees of the Indian Museum," with perpetual succession and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act.

(3) The nominated Trustees shall, save as herein otherwise provided, hold office for a period of three years :

*Provided that the authority nominating a Trustee may extend his term of office for one or more like periods.*

3. (1) The powers of the said body corporate may only be exercised so long and so often as there are nine members thereof.

(2) The quorum necessary for the transaction of business at a meeting of the Trustees shall not be less than six.

Power to appoint new Trustees.

4. If a nominated Trustee—

- (a) dies, or
- (b) is absent from the meetings of the Trustees for more than twelve consecutive months, or
- (c) desires to be discharged, or
- (d) refuses or becomes incapable to act, or
- (e) is appointed to perform the duties of any office specified in section 2, clause (a),

the authority which nominated the Trustee may nominate a new Trustee in his place.

5. From the commencement of this Act the Vacation of office term of office of all by existing Trustees. persons appointed to be Trustees under the Indian Museum Act, 1876, shall cease.

*Property and powers of the Trustees.*

6. (1) All the property, whether moveable or immovable, which at the commencement of this Act is held by the Trustees of the Indian Museum constituted by the Indian Museum Act, 1876, on trust for the purposes of the said Museum shall, together with any such property which may hereafter be given, bequeathed, transferred or acquired for the said purposes, vest in the Trustees of the Indian Museum constituted by this Act on trust for the purposes of the said Museum :

*Provided that the Trustees may expend the capital of any portion of such property which may consist of money on the maintenance, improvement and enlargement of the collections deposited in, presented to or purchased for the said Museum or otherwise for the purposes of the same as they may think fit.*

(2) The Trustees shall have the exclusive possession, occupation and control, for the purposes of such trust, of the land specified in the schedule, including any buildings which may have been, or may hereafter be, erected thereon, other than those portions thereof which have been set apart by the Trustees for the records and offices of the Geological Survey of India.

7. Subject to the provisions of any bye-laws made in this behalf, the Trustees may, from time to time,—

- (a) deliver, by way of loan, to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act ;

8. 113.00

[Cf. s. 4, Act XXII of 1876, inserted by s. 3, Act IV of 1887.]

[Cf. s. 10, Act XXII of 1876.]

[Cf. s. 3 (5), Act IV of 1887.]

XXI of 1876.

[Cf. s. 6, Act XXII of 1876.]

XXII of 1876.



[Cf. s. 9, Act XXII of 1876.]

(b) exchange or sell duplicates of articles contained in any such collection and take or purchase, in the place of such duplicates, such articles as may in their opinion be worthy of preservation in the Museum;

(c) present duplicates of articles contained in any such collection to other Museums in British India; and

[New.]

(d) remove and destroy any article contained in any such collection.

[Cf. s. 7, Act XXII of 1876.]

8. (1) The Trustees may from time to time, with the previous sanction of the Governor General in Council, make bye-laws consistent with this Act for any purpose necessary for the execution of their trust.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the summoning, holding and adjournment of general and special meetings of the Trustees;

(b) the securing of the attendance of Trustees at such meetings;

(c) the provision and keeping of minute-books and account-books;

(d) the compiling of catalogues;

(e) the lending of articles contained in the collections vested in the Trustees;

(f) the exchange and sale, and the presentation to other Museums in British India, of duplicates of articles contained in such collections;

(g) the removal and destruction of articles contained in such collections; and

(h) the general management of the Museum.

[Cf. s. 8, Act XXII of 1876.]

9. Subject to such regulations and conditions as may be prescribed by them in this behalf, the Trustees shall appoint, and may remove or suspend, so many officers and servants as may be necessary or proper for the care or management of the trust-property; and may assign to such officers and servants such pay as they may think fit.

Provided that—

(a) no officer shall be appointed—

(i) if such officer is, at the date of his appointment, in India, without the approval of the Governor General in Council, or

(ii) if such officer is not then in India, without the approval of the Secretary of State for India in Council; and

(b) no new office shall be created, and no salaries of officers shall be altered, without the previous sanction of the Governor General in Council.

#### Duties of the Trustees.

10. (1) The Trustees shall furnish on or before the first day of December in each year—

Trustees to furnish annual reports and accounts.

(a) to the Government of India a report of their several proceedings for the past twelve months, and

(b) to such auditor as the Governor General in Council appoints in this behalf, accounts of all moneys expended by the Trustees during the past twelve months, supported by the necessary vouchers.

(2) The Trustees shall cause such report and accounts to be published annually for general information.

11. (1) The Trustees shall cause every article in the collections of the Asiatic Society to be kept distinguished in the said Museum formerly belonging to the Asiatic Society of Bengal and all additions that may hereafter be made thereto otherwise than by purchase under section 6, to be marked and numbered and (subject to the provisions contained in sections 7 and 16) to be kept and preserved in the said Museum with such marks and numbers.

(2) An inventory of such additions shall be made by the said Society, one copy whereof shall be signed by the Trustees and delivered to the said Society, and another copy shall be signed by the Council of the said Society and delivered to the Trustees, and shall be kept by them along with the inventory delivered to the predecessors in office of the Trustees when the said collections were deposited in the said Museum.

12. All objects taken in exchange under section 7 and all moneys payable on sale or articles purchased in accordance with the terms of the same section shall be held on trust and subject to powers and declarations corresponding as nearly as may be with the trusts, powers and declarations by this Act limited and declared.

Articles received in exchange or purchased and moneys paid on sale to be held on trust.

#### Supplemental Provisions.

13. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of the Indian Penal Code; and, so far as regards their salaries, allowances and pensions and their leave of absence from duty, they shall be subject to the rules which under the Civil Services Regulations for the time being in force would be applicable if their service was service under Government.

14. Notwithstanding anything hereinbefore contained, the Trustees may, if they think fit, with the previous sanction of the Governor General in Council and

Power to Trustees to keep collections not belonging to them.

[Cf. s. Act IV of 1887.]

subject in each case to such conditions as he may approve and to such rules as he may prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trust under this Act and keep and preserve such collections either in the Indian Museum or elsewhere:

*Provided that if the trust constituted by this Act is at any time determined, any such collection shall not by reason of their then being in the Indian Museum become the property of His Majesty.*

[Cf. s. 6, Act IV of 1887.]

15. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of the whole or any part of the property described in the schedule to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

[Cf. s. 15, Act XXII of 1876.]

*Property in collections on determination of trust.*

16. If the trust constituted by this Act is at any time determined,—

- (a) the collections and additions mentioned in section 11 shall become the property of the said Asiatic Society or their assigns, and
- (b) all the other collections then in the said Indian Museum shall, save as otherwise

wise provided by section 14, become the property of His Majesty.

17. The Indian Museum Act, 1876, and the Indian Museum Act, 1887, are hereby repealed.

Repeals.

[Cf. s. 2, Act IV of 1887.]  
XXII of 1876.  
IV of 1887.

#### THE SCHEDULE.

(See sections 6 and 13.)

##### Land bounded—

- on the north side by the premises No. 2, Sudder Street, and by Sudder Street;
  - on the west side by Chowringhee Road and by the premises No. 29, Chowringhee Road (occupied by the Bengal United Service Club);
  - on the south side by the premises No. 29, Chowringhee Road, by Kyd Street and by the premises No. 4, Chowringhee Lane, and
  - on the east side by the premises No. 15, Kyd Street, and the premises Nos. 4, 3, 2 and 1, Chowringhee Lane,
- together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

#### STATEMENT OF OBJECTS AND REASONS.

1. The principal object of this Bill is to alter the constitution of the Board of Trustees of the Indian Museum in order to assign to the chief executive officers of the Museum a position on the Trust. There are also various other amendments in the existing law as contained in the Indian Museum Acts, 1876 and 1887, which appear to be desirable, and in these circumstances it has been thought most convenient to repeal these two enactments and substitute a new Act consolidating their provisions with the necessary amendments. With this object the present Bill has been prepared.

2. The more important amendments of the existing law are explained in the subjoined Notes on Clauses.

W. L. HARVEY.

The 4th September 1909.

##### Notes on Clauses.

*Clause 1.*—It is proposed, after due consideration of the interests affected, to reduce the number of Trustees, which was fixed by the Indian Museum Act, 1887, at 21, to 17. Of these six are to be appointed *ex officio*, five by virtue of their position as Superintendents of departments of the Museum. The sixth is the Accountant General of Bengal. The remaining Trustees are to be nominated by the various bodies interested in the proper management of the Museum. It is further proposed [sub-clause (3)] that nominated Trustees shall hold office for a period of three years only, but that the nominating authority be given the option of extending the period.

*Clause 3.*—To lessen the possibility of the combined votes of the official members outnumbering those of the unofficial members, the quorum necessary for the transaction of business has been raised from three to six.

*Clause 6.*—The opportunity has been taken to define more accurately the position and powers of the Trustees in respect of all the property, whether moveable or immovable, now held or hereafter to be acquired by them for the purposes of the Trust.

*Clause 7.*—Power has been conferred on the Trustees to present duplicates to other Museums in British India as well as to exchange or sell them.

*Clause 8.*—In order to promote efficiency, it is intended that the officers in charge of certain sections of the Museum should have more voice than at present in the management of their own sections. This will be effected by means of bye-laws for the management of the Museum to be made by the Trustees with the previous sanction of the Governor General in Council.

*The Schedule.*—A revised Schedule, specifying the lands and buildings of which the Trustees are now to have the exclusive possession, occupation and control for the purposes of their trust, has been substituted for the old one appended to the Indian Museum Act, 1887.

J. M. MACPHERSON,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 23, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd October, 1909 :

No. 10 of 1909.

*A Bill to amend the Central Provinces Courts Act, 1904.*

11 of 1904. WHEREAS it is expedient to amend the Central Provinces Courts Act, 1904; It is hereby enacted as follows :—

1. This Act may be called the Central Provinces Courts (Amendment) Act, 1909.  
Short title.

11 of 1904. 2. For Chapter II of the Central Provinces Courts Act, 1904, the following shall be substituted, namely :—  
Substitution of new Chapter for Chapter II of Act II, 1904.

#### "CHAPTER II.

##### "THE COURT OF THE JUDICIAL COMMISSIONER.

Act II, 1904, s. 3. "3. The Court of the Judicial Commissioner of the Central Provinces shall be the highest Civil Court of appeal, and, except in reference to proceedings against European British subjects and persons jointly charged with European British subjects, the highest Court of criminal appeal and revision in

and for the territories to which this Act extends.

"4. (1) The Court of the Judicial Commissioner [Cf. Act II, Constitution of Court of Judicial Commissioner. shall consist of three or, 1904, s. 4, with the sanction of the Governor General in Council, more Judges, one of whom shall be the Judicial Commissioner of the Central Provinces who shall be appointed by the Governor General in Council, and the others Additional Judicial Commissioners who shall be appointed by the Local Government with the previous sanction of the Governor General in Council.]

(2) Every person appointed under this section shall hold his office during the pleasure of the Governor General in Council.

"4 A. (1) The Judicial Commissioner, whether permanent or officiating, [Act VI, 1900, s. 7.] shall have rank and precedence before the other Judges of his Court.

(2) The Additional Judicial Commissioners shall have rank and precedence among themselves according to the seniority of their appointment as such Additional Judicial Commissioners :

Provided that an Additional Judicial Commissioner permanently appointed shall be deemed to be senior to and to have rank and precedence before an officiating Judge.

(3) In this Act the expression 'the senior Judge' shall mean the Judge for the time being entitled to the first place in rank and precedence.

[Act VI, 1900, s. 9.] "5. (1) Except as otherwise provided by this

Exercise of jurisdiction by Judges of Court of Judicial Commissioner.

Act or by any other enactment for the time being in force, and subject to any rules made

under this Act, the jurisdiction of the Court of the Judicial Commissioner may be exercised by a single Judge of the Court.

(2) The Court of the Judicial Commissioner may, with the sanction of the Local Government, make rules to provide, in such manner as it thinks fit, for the exercise of any of its powers by a bench of two or more Judges of the Court.

[Ibid., s. 10.] "5A. (1) The Court of the Judicial Com-

Constitution of full bench and other benches.

missioner may make rules declaring what number of Judges, not

being less than three, shall constitute a full bench of the Court of the Judicial Commissioner, and may by such rules prescribe the mode of determining which Judges shall sit as a full bench when a full bench sitting becomes necessary.

(2) Subject to the provisions of sub-section (1), the Judicial Commissioner may determine which Judge in each case or class of cases shall sit alone and which Judges shall constitute any bench.

"5B. The Judicial Commissioner may transfer

Power of Judicial Commissioner to transfer cases.

any case, whether the hearing has or has not commenced, from the

file of any Judge sitting alone to his own file or to that of any other Judge of the Court.

[Ibid., s. 11.] "5C. Any single Judge of the Court of the

Power to refer question to full bench.

Judicial Commissioner, and any bench of Judges thereof not being a full

bench, may refer for the decision of a bench of two Judges or of a full bench any question of law or custom having the force of law, or of the construction of any document, or of the admissibility of any evidence, arising in any case before the Judge or bench, and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

[Bom. Act XII, 1866, s. 9D.] "6. A Judge of the Court of the Judicial

Appeals.

Commissioner shall, when sitting in a bench

of three or more Judges of that Court, but not otherwise, be competent to try any appeal from a decree, order or sentence passed by himself, whether in a civil or criminal matter, and to adjudicate upon any proceeding connected with or arising out of such decree, order or sentence notwithstanding anything contained in section 556 of the Code of Criminal Procedure, 1898.

V of 1898.

[Act VI, 1900, s. 15.] "6A. Except as otherwise provided by any

Rule of decision where Judges differ.

enactment for the time being in force,—

(a) where there is a difference of opinion among the Judges composing any bench of the Court of the Judicial Commissioner, the decision shall be in accordance with the opinion of the majority of those Judges ;

(b) if there is no such majority, then,—

(i) if the bench is a full bench, the decision shall be in accordance with the opinion of the senior Judge of the bench ;

(ii) in other cases, the bench before which the difference has arisen shall refer it to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

"7. (1) The Registrar of the Court of the [Act II, 1900, s. 7.]

Registrar and ministerial officers of Court of Judicial Commissioner.

Judicial Commissioner shall be appointed by the Local Government.

(2) The ministerial officers of the said Court shall be appointed by the Judicial Commissioner.

"8. (1) In addition to any other powers to [Ibid., s. 19.]  
Power to Court of Judicial Commissioner to make rules. make rules expressly or by implication conferred by this Act, the Court of the Judicial Commissioner, with the previous sanction of the Local Government, may, from time to time, by notification in the local official Gazette make rules consistent with this Act and any other enactment for the time being in force,—

(a) declaring what persons shall be permitted to practise as petition-writers in the Courts, regulating the conduct of the business of persons so practising and determining the authority by which breaches of rules under this clause shall be tried ;

(b) providing for the translation of any papers filed or produced in the Court of the Judicial Commissioner, and for the payment of the expenses thereby incurred ;

(c) regulating the procedure in cases where any person applies to inspect a record of any Court or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies ;

(d) prescribing the travelling and other expenses to be allowed to witnesses in civil cases, and the fees to be allowed to Commissioners appointed by Civil Courts ;

(e) conferring and imposing on the ministerial officers of the Court of the Judicial Commissioner and of the Courts subordinate thereto such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed ;

(f) prescribing forms to be used in the subordinate Courts for such proceedings, books, entries, statistics and accounts as it thinks necessary ;

(g) providing for the visitation and inspection of the subordinate Courts, and the supervision of the working thereof ; and

(h) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of the Court of the Judicial Commissioner and of the subordinate Courts and maintaining proper discipline among those officers.



(2) Whoever commits a breach of any rule made under sub-section (1), clause (a), shall be punishable with fine which may extend to fifty rupees.

Act II, 1904,  
9 of Act  
1900.

"9. The Court of the Judicial Commissioner Registers, books and shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall comply, in such form and manner as the Local Government may deem proper, with any requisitions which the Local Government may make for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports."

3. In section 13, sub-section (1), of the said Act, the following alterations shall be made, namely:—

- (i) in sub-clause (a), for the words "five hundred" the words "one thousand" shall be substituted; and
- (ii) in sub-clause (b), for the word "five" the word "ten" shall be substituted.

4. For section 15, clause (b), of the said Act, the following shall be substituted, namely:—

"(b) an appeal from the decree or order of the Court of a Subordinate Judge shall lie—

- (i) where the value of the suit in such Court does not exceed

one thousand rupees, to the District Court;

- (ii) where the value of such suit exceeds one thousand rupees but does not exceed five thousand rupees, to the Divisional Court; and

- (iii) where the value of such suit exceeds five thousand rupees, to the Court of the Judicial Commissioner."

5. In section 17 of the said Act, the following shall be inserted as sub-section (2), the present sub-section (2) being re-numbered as sub-section (3), namely:—

"(2) The Judicial Commissioner or an Additional Judicial Commissioner appointed by him shall from time to time visit, and inspect the proceedings of, the Civil Courts subordinate to the Court of the Judicial Commissioner, and shall give such directions on matters not provided for by law as may be necessary to secure the due administration of justice."

6. In section 22, sub-section (2), and section 26, sub-section (1), of the said Act, for the words "the Judicial Commissioner" the words "the Court of the Judicial Commissioner" shall be substituted.

[Act VI,  
1900, s. 13  
(2).]

#### STATEMENT OF OBJECTS AND REASONS.

The main objects of this Bill to amend the Central Provinces Courts Act, 1904, are—

- (1) to declare that the Court of the Judicial Commissioner shall consist of at least three Judges;
- (2) to provide for the hearing of important cases in that Court by a bench of two or more Judges; and
- (3) to extend the pecuniary jurisdiction of Munsifs and Subordinate Judges.

2. The desirability of effecting these amendments in the law has been urged on the Government of India by the Local Government for some time past. The Provinces are developing rapidly on their commercial side, and it has already been found necessary to retain permanently the services of two Additional Judges for the Judicial Commissioner's Court. The effect of the proposed declaration will be to give to the Additional Judges the position of Judges of the High Court for these Provinces, with the result that the provisions of sections 377 and 378 of the Code of Criminal Procedure, 1898, requiring the concurrence of two Judges for the confirmation of death sentences, will become applicable to that Court.

3. To minimise the chance of confusion arising from conflicting rulings of different Judges of the highest Court of appeal and to allow of a final decision being obtained on questions of importance, it is considered desirable to provide for the hearing of important cases by a bench of two or more Judges of the Court. These provisions are drawn on the lines of similar provisions contained in the Lower Burma Courts Act, 1900, which have been found to work well in Burma.

4. The extension of the jurisdiction of the Munsifs and Subordinate Judges has been found to be necessary to facilitate the distribution of the civil judicial business. The existing limits of the pecuniary jurisdiction of these officers under clauses (a) and (b) of section 13, sub-section (1), of the present Act are lower than in most other parts of India, and, in view of the great improvement in the personnel of the judicial services in these Provinces, it has been considered desirable that these limits should be raised.

5. The details of the proposed amendments are explained in the *Notes on Clauses* below.

H. H. RISLEY.

The 19th October 1909.

*Notes on Clauses.*

*Clause 2.*—This clause proposes to substitute a new Chapter for Chapter II of the present Act. The sections proposed to be substituted are—

*Section 3*, which is the same as present section 3 ;

*Section 4*, which declares the constitution of the Judicial Commissioner's Court and gives power to the Local Government, with the sanction of the Governor General in Council, to increase the number of Judges beyond three ;

*Sections 4A, 5, and 5A*, which provide for the rank and precedence of Judges, the exercise of jurisdiction and the constitution of benches, are framed on the lines of the corresponding sections of the Lower Burma Courts Act, 1900 ;

*Section 5B.*—The power of the Judicial Commissioner under section 5 (2) of the present Act to transfer cases is proposed to be extended to cases of which the hearing may already have commenced ;

*Section 5C*, which provides for the reference of cases to a full bench, is on the lines of section 11 of the Burma Act ;

*Section 6*, which corresponds to section 6 of the present Act, provides that a Judge, who under the present section would be disqualified from hearing an appeal, may hear it as a member of a bench ;

*Section 6A*, which provides for cases of difference of opinion between members of a bench ;

*Section 7*, which reproduces the present section 7 ;

*Sections 8 and 9*, which transfer to the Court the powers vested in the Judicial Commissioner under the corresponding sections of the present Act.

*Clause 3.*—By this clause it is proposed to amend section 13 of the present Act so as to extend the pecuniary jurisdiction of Munsifs to one thousand rupees and that of Subordinate Judges to ten thousand rupees.

*Clause 4.*—The amendment of clause (4) of section 14 of the Act proposed by this clause provides for appeals from the decisions of Subordinate Judges in suits of which the value exceeds five thousand rupees.

*Clause 5.*—This clause proposes the addition of a new sub-section to section 17 of the present Act providing for the inspection of Subordinate Courts by the Judges of the Court of the Judicial Commissioner.

*Clause 6.*—The power of the Judicial Commissioner to appoint Munsifs and fix holidays under sections 22 (2) and 26 (1) respectively of the present Act is assigned by this clause to the Court.

J. M. MACPHERSON,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED  
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE  
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892  
(24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 30th July  
1909.

### PRESENT:

His Excellency the Earl of Minto, P.C., G.C.M.G., G.M.S.I., G.M.I.E., Viceroy  
and Governor General of India, *presiding*.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M.,  
G.C.M.G., G.C.S.I., G.C.I.E., Commander-in-Chief in India.

The Hon'ble Sir Harvey Adamson, Kt., C.S.I.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Mr. W. L. Harvey, C.I.E.

The Hon'ble Sir G. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. S. P. Sinha.

The Hon'ble Mr. W. R. H. Merk, C.S.I.

### INDIAN FACTORIES BILL.

The Hon'ble MR. HARVEY: "I beg to move that leave be given to  
withdraw the Bill which was introduced in Council on the 29th September  
1905 to amend the Indian Factories Act of 1881, and also to introduce

a new Bill to amend and consolidate the Factory Law in India. Were the provisions of this measure confined to the improvement of the law in minor matters where the experience of the last eighteen years has shown changes to be desirable, it would not be necessary for me to say much, for the amendments of this kind which are proposed are fully explained in the Statement of Objects and Reasons and the Notes on Clauses. But the legislation to which the sanction of this Council will be asked includes changes in the law which are far-reaching in their character; they have already aroused a great deal of public interest and we must expect that they will again be widely canvassed. I may say at once that we propose to regulate by law the hours of work of all operatives in the largest and most important class of factories, and I think that the public are entitled to expect a full statement of the reasons which have led to this new departure in Indian Factory legislation. I must therefore ask the indulgence of the Council if I treat this part of our proposal at some length.

"It is necessary in the first place to touch briefly on the various enactments which have been passed in respect of factories. It was not until 1881 that the legislature attempted in any way to regulate the conditions of factory labour in India and the measure passed in that year provided only for a minimum amount of interference. It contained clauses providing for the fencing of machinery, the reporting of accidents, and the inspection of factories by Government inspectors. It also contained, as originally introduced, provisions which prohibited the employment of persons of less than seven years of age, and limited the hours of work of children (*i.e.*, persons under twelve years of age) to six in the day, and of young persons (*i.e.*, persons between the ages of twelve and sixteen) to eight in the day. In the Act as finally passed, however, no reference was made to young persons, and the working hours of children were fixed at nine hours. No attempt was made to restrict the employment of adults, whether male or female, in any respect whatever. The existing factory law was brought into its present shape in 1891 when the Act of 1881 was amended in accordance with the recommendations of a Commission which sat in 1890 under the presidency of Sir A. Lethbridge. The maximum age of children was raised from twelve years to fourteen, the working day of women was limited to eleven hours, and of children to seven hours, and a compulsory midday stoppage and a weekly holiday on Sundays were prescribed for all operatives; but except in the two matters last mentioned no restriction was placed on the hours of work of adult male operatives. The Commission had been specially asked to report whether the male operatives desired that a general working day should be fixed by law, and if so, of what length it should be, and whether, if the change were not desired by the operatives themselves, the conditions under which they worked demanded that it should be enforced. To this question they replied that all factories worked daylight hours, the average day being 12 hours, but longer in the hot weather than in the cold weather. They were of opinion that the operatives as a whole desired that this state of things should be continued, and that there was nothing in the conditions under which they worked which called for any legislative restriction of their hours of labour. Their opinion was accepted by Government and the Act of 1891 was framed accordingly.

"This Act was generally accepted at the time as a satisfactory solution of the questions which had been raised. In addressing this Council on the day the Bill was passed the President (Lord Lansdowne) said: 'We believe that the

effect of our measure will be to place factory labour in India on a proper footing, and that our Bill will be accepted here and at home, not, as the Hon'ble Mr. Nugent would have us believe, as a mere prelude to still further restrictions, but as a settlement as final as any settlement of such a question can be.' After such a statement from the head of the Government which was responsible for the Act of 1891, any critic of our measure is entitled to ask why the whole subject is now to be reopened, and why the mill industry of India is to be called on to submit to new restrictions. That is a perfectly fair question, though I doubt whether it would be asked by any person who had followed closely the course of events during the last four or five years. In any case the answer is a simple one. The conditions which prevailed in 1891 have been radically altered. Had all factories continued to work daylight hours, it is improbable—I give my own opinion for what it is worth—that Government would have been called on to interfere afresh. But under the changed conditions it has been proved beyond possibility of doubt that abuses may arise which cannot be allowed to go unchecked.

"In 1891, there was not, I believe, a single electric light installation in any factory in India, but in 1893 electric installations were set up in one or two factories in Bombay, and it is a matter of common knowledge that the number of these installations has steadily increased until in Bombay at any rate the factory which is without one is an exception to the general rule. The result of this change is that the security which Government formerly had, that the operatives would not be employed for more than twelve hours a day on the average throughout the year, has completely disappeared, and both the employers of labour and the operatives themselves are now exposed to the temptation, which may at any time become irresistible, of extending the working day to an inordinate length. The period of prosperity which the cotton industry began to enjoy in the cold weather of 1904-05 resulted in a state of affairs which approached a public scandal. The mills were naturally anxious to make the most of favourable markets, and in many cases the men were regularly worked for fifteen hours a day or more. Public attention, both in India and in England, was called to the facts by the publication of certain articles in the *Times of India*. It was alleged at the time that the statements made in these articles were exaggerated and that they were in some cases without foundation. But, however that may be, the inquiries which were instituted by Government placed it beyond dispute that a large number of operatives were being regularly worked for fifteen hours a day or even longer, and that serious abuses existed in connection with the employment of children. Even when these facts were brought before them, Government were still reluctant to interfere. They would greatly have preferred to leave the question of the length of the working day to be settled between the operatives and their employers. But a state of affairs had been disclosed which made a full investigation an imperative duty, and no Government could have refused to undertake it. Preliminary inquiries were in the first instance addressed to Local Governments.

"In the autumn of 1906 a Committee presided over by Sir Hamilton. Freer-Smith was appointed to examine the actual conditions on the spot. It was announced at the time of their appointment that should their investigations establish the existence of abuses which required to be remedied, a representative Commission would be appointed to consider the whole subject comprehensively



before any radical changes in the factory law were made. The reference to the Committee included both the direct regulation of the hours of adult labour and the formation of a class of young persons. Their report was unanimously in favour of direct Government intervention to limit the hours of work of all operatives. They were satisfied that without legislative interference it would be impossible to ensure that excessive hours would not be worked, and they accordingly recommended the imposition by law of a twelve hours day. They were not in favour of the creation of a class of young persons which would, in their opinion, create serious administrative difficulties. It was obvious that in the face of this report the matter could not be allowed to rest. Accordingly, in pursuance of the promise previously given, a representative Commission was appointed which carried on its labours during the cold weather of the year 1907-08. Their report was at once published for criticism and was sent to Local Governments for opinion. When all replies had been received it then became the duty of the Government of India to submit to His Majesty's Secretary of State recommendations as to the course to be followed. I am glad to say that Lord Morley has accepted all our proposals and the result of our deliberations is the Bill which is about to be introduced.

"The report of the Commission was not less clear and decisive as to the necessity of legislation than that of the Committee had been. On the question whether the present conditions of employment had produced deterioration in the physique of the workers, the verdict of the Commission was practically one of 'not proven.' In spite of the constant and careful attention they had paid to the matter during the whole course of their investigation, they had not found any indications of physical deterioration amongst the adult male operatives. As regards non-textile factories, they considered this want of evidence to be conclusive in the absence of any conditions tending to physical deterioration; but in the case of textile factories, they were of opinion that the past and present conditions of work in many places were undoubtedly calculated to cause physical deterioration, and they had been struck by the marked absence of elderly men in these factories in spite of the fact that the demand for labour was largely in excess of the supply. They considered that this fact pointed to the conclusion that the operative became unable to stand the strain of work at a comparatively early age. It is right to mention that Dr. Nair differed from his colleagues, and was of opinion that there could be no doubt that the conditions of employment had led to physical deterioration. If I may be permitted to sum up the conclusions of the Commission in my own words, I would say that all the members recognised that it was the duty of Government to render impossible the recurrence of the conditions which had been allowed to grow up in Bombay in 1905, and all were agreed that the object which Government must seek to attain was the limitation of the working day for adults to an average of twelve hours. But when it came to the question as to what form legislation should take, only one member, Dr. Nair, was prepared to follow the lead of Sir Hamilton Freer-Smith's Committee. The other members were anxious that legislative interference should be confined to the narrowest limits consistent with the attainment of the objects in view and submitted proposals which I shall notice presently.

"The replies which we received from Local Governments were no less clearly in favour of legislative interference. With the exception of the Government

of Burma, a province in which industrial enterprise has followed a somewhat different course from that which is usual in India and where textile factories are non-existent, the Local Governments and Administrations were unanimously of opinion that the case for imposing new restrictions was complete. Several commercial bodies took the same view, and the only important exceptions were one or two of the Chambers of Commerce and certain associations which represented the factory proprietors as a class. These bodies considered that no valid reasons had been established for amending the existing law. Their views are entitled to much respect, but they cannot be held to outweigh the immense mass of opinions on the other side. The case for legislation as it came before us was overwhelmingly strong. No responsible Government could possibly refuse to take action in the face of reports from a Committee under expert guidance, and from a Commission of which three mill-owners were members, supported as these were by official opinion throughout India and by a considerable section of the commercial community. The necessity for legislation had been established, the result to be attained had been clearly defined, there remained only the question whether legislation was to take the form of direct restriction or whether reliance was to be placed on indirect methods. I will now try to explain the reasons which induced the Government of India to decide in favour of the former alternative.

"In their report the majority of the Commission first of all stated the objections which in their opinion rendered it inadvisable to limit directly the working hours of adults. They then went on to explain the indirect methods which they believed would have the desired effect. I shall follow the same order, but first of all I wish to quote from the report an extremely significant passage which clearly defines the issue which Government had to decide:—

'We are strongly opposed to any direct limitation of adult working hours, because we consider that there is no necessity for the adoption of this drastic course, because we are convinced that it would cause the greatest inconvenience to existing industries, most of which have never worked long hours, and because we think such a measure would seriously hamper the growth of industrial enterprise. We believe that the working of adults for excessive hours in textile factories will be effectively prevented, incidentally, by the measures we propose for restricting the hours of "young persons", women and children. Had this effective alternative not been available we are of opinion that direct limitation of the working hours of adults would then have been not only justifiable, but necessary, in order to prevent abuses which the Government could not, upon economic and humanitarian grounds, permit to continue or recur.'

"Government had therefore to answer three questions:

- (1) Are the objections to direct restriction so serious as the Commission believed them to be?
- (2) Are the indirect methods proposed by the Commission free from objection? and
- (3) Will these methods be successful in securing the desired result?

"The objections to the imposition of direct restrictions were entitled to and received the most careful examination by Government. In the first place it was alleged that the direct methods involved the application

of a principle of very doubtful validity. Here I must join issue at once. I cannot admit that, as between direct and indirect interference, any question of principle arises. If it is once conceded, as it is by the Commission, that Government is bound to pass such legislative measures as will prevent the working of any operative for excessive hours, then the question whether the desired result is obtained by direct or indirect methods is not a question of principle at all, but a question of expediency and administrative convenience. Next we were told that direct limitation has found acceptance in very few countries. To this argument my reply is that we cannot rely for guidance to any great extent on the experience of other countries. It is quite true that in England it has not been found necessary to impose any direct restriction on the hours of adult male labour, but does any one allege that the conditions prevailing in England are comparable with those which exist in India? If there were nothing else, the fact that in England labour is highly organised, and workmen have long been accustomed to band themselves together for their own protection, would of itself suffice to make it dangerous to allow too much weight to English precedents. What we have to consider is not the experience of other countries but the actual conditions of India today. The difficulties next to be mentioned are the most important. The Commission were of opinion that direct restriction was open to the gravest objections from a practical point of view and would apply a remedy very much more drastic than the circumstances of the case demanded. It would, they said, impose on all factories restrictions which were required only in textile factories, and they pointed out that in all industries overtime was frequently necessary, and that in India it would be impossible to devise a workable system of exceptions, which would give employers the freedom they could legitimately claim, and would at the same time secure the general enforcement of the restriction. I do not of course deny that there are difficulties to be faced, but I think it can be shown that, if the position is closely examined, these objections will be found to be a good deal less formidable than they have been represented to be. If it be the case that excessive hours are worked only in one class of factories, then surely it is a simple matter to legislate for that class only, power being taken at the same time to extend the provisions of the law to other classes, should the necessity to do so unfortunately arise. Then as regards the possibility of devising a workable system of exceptions, if the limitation of hours of labour is confined to one class of factories, it ought not to be an impossible task to work out such a system. Moreover, the Commission themselves did not escape this difficulty by the resort to indirect methods. They proposed that all factories which undertook to work for not more than twelve hours in each day should be exempted from the necessity of registering their young persons and of having them certified for age. A factory accepting this concession would render itself liable for employing any of its operatives for over twelve hours as if they were young persons. But it is obvious that, if any large number of factories accepted this alternative, the position would at once become precisely the same as if the twelve hours day had been imposed by law, and the task of working out a system of exceptions would still have to be undertaken by Government. In any case the conclusion arrived at was that, while some of the practical objections were of equal force whether the methods of interference adopted were direct or indirect, the others were not by any means of an insuperable character.

"It is necessary to turn now to the measures which the majority of the Commission believed would automatically restrict the hours of the working day

of adult males to twelve hours. They proposed the formation of a class of young persons to include all young adults between the ages of fourteen and seventeen, with working hours limited to twelve in any one day. At the same time the hours of work for women were to be raised to twelve and the hours for children reduced to six. Finally the employment of young persons, women and children before 5-30 A. M. or after 7 P. M. was to be prohibited, and in place of the present mid-day interval a compulsory interval after six hours' continuous working was to be imposed. To two of these proposals serious and weighty objections were raised by Local Governments and by others. The increase in the working hours of women was criticised as a retrograde step, and I may say at once that the Government of India were not satisfied that it had been proved that women could work regularly for twelve hours without detriment to their health, or that it was desirable that they should compete with men for the same kind of work to a larger extent than they do at present. The formation of a class of young persons would, it has always been held, involve grave administrative difficulties, and I doubt whether the Commission have been successful in showing that they can be avoided. It has been found sufficiently difficult to enforce the existing law as regards children, and it seems likely that the same difficulties would appear in an aggravated form in the case of 'young persons'. It is true that the administrative difficulties would be removed if the factories voluntarily adopted the twelve hours' day, and accepted the alternative offered them by the Commission. But in that case, as has already been explained, the position would be in nearly every respect the same as if the twelve hours' day had been imposed by an Act of the legislature.

" I will deal now with the third and most important question, *viz.*, would the indirect methods prove successful? *i.e.*, would the working hours of the protected classes automatically fix the working hours of all operatives? So far as Government could ascertain, there were three possible methods of frustrating the object in view—(1) factories might be able to do without the young persons and women altogether and employ only male adult operatives and half timers, (2) they might be unable to do so owing to the limited supply of adult labour, and would then be compelled to make the hours of work of all operatives the same as for the protected classes, (3) they might be able to concentrate the women and young persons in certain departments of the mills, and would then work for twelve hours in these departments and for longer hours in the other departments. In view of the fact that complaints of the difficulty of getting a full supply of labour are frequently heard in almost every part of the country, it seems unlikely that the mills generally would be able to do without the young persons and women, and inasmuch as the temptation to work excessive hours would be strongest when the demand was greatest, the system would tend in this respect to correct itself. On the other hand Government could not exclude the possibility that some mills at any rate might be able to dispense with the protected classes. If that occurred, the existence side by side of mills which worked unrestricted hours, and those which had to confine themselves to twelve hours, could not but lead to a sense of unfairness which would inevitably give rise to further trouble. This consideration would not of itself have been decisive, but it soon appeared that there was much reason to apprehend that in many mills arrangements could and would be made to confine the protected classes to certain departments. The Bombay Chamber of Commerce definitely expressed their belief that this was possible, and that there were many ways in which the intentions of

Government could be circumvented. Certain mills might by increasing the number of spindles work the spinning and ring departments for twelve hours, while the other departments of the mill worked fourteen and fifteen hours. Dr. Nair pointed out that in the weaving department, where few young persons were employed, the hours of work would not be restricted to twelve, and the fact is not disputed by the majority of the Commission. They point out, however, that the internal arrangements of spinning and weaving mills are based upon the assumption that the spinning and weaving departments will work the same hours, that the machinery in the two departments is in almost all cases run by the same engine, and that it would not be economical, as a rule, to run the one department while the other remained idle. On the other hand, we have to keep in mind two facts. In the first place, with the growth of industrial activity which has been so marked during the last twenty years, weaving may be expected to become more important. More factories will in the natural course of development be established for weaving only, and separate machinery for the weaving sheds could easily be erected in new mills which combined spinning with weaving. In the second place, if large electric supply systems are established at industrial centres, similar to the scheme which is already in contemplation for Bombay, any factory which obtained its power from such a source would have no difficulty in running its weaving and spinning departments separately.

"The conclusion finally reached by Government was that there was the gravest reason to fear that the adoption of the Commission's proposals would fail to prevent abuses. If these apprehensions were fulfilled, the position would at once become most serious and fresh legislation would be required within a very few years. It has been urged that the direct limitation of the hours of work now will lead to the demand for further restrictions hereafter. That is a question with regard to which I will not hazard any conjecture. But at any rate we may be sure that the most likely way of inviting fresh restrictions is to pass measures which may fail to accomplish their professed object. To experimental legislation with only a doubtful prospect of success we are utterly opposed, when the objects to be attained and the straightforward method of attaining them are plain before us. Indeed, it would be obviously unfair to factory owners to adopt such a course. Government can insist on their observing the letter of the law, but cannot expect from them any very hearty co-operation in securing an object which is not plainly expressed in the law itself. If there is a way by which the hours of work of adult male labour can be kept at  $14\frac{1}{2}$  hours or even more without infringing the law, the factory owners would pretty certainly find it out and adopt it. In doing so many of them would probably incur a good deal of expenditure, *e.g.*, in adding to the number of spindles, and they would have a perfectly legitimate grievance if the action which might be taken now were postponed to a later date. I have dealt very fully with the arguments used by the majority of the Commission in this matter, because I should not be treating the Council fairly if I did not take them into our confidence with regard to the considerations which have guided us to conclusions of such importance. I hope that in doing so I have not failed to attach to the arguments of such a weighty and influential body as the Commission the value to which they are entitled. I should be sorry indeed to do so, for Government have the fullest sense of the care, the ability, and the completeness with which the Commission conducted their inquiries and framed their proposals.



" In the Bill which I have asked permission to introduce the provisions dealing with the hours of employment of operatives are divided into two sections, (1) those which apply to non-textile factories, and (2) those which apply to textile factories. The report of the Commission makes it perfectly clear that such abuses as have prevailed have occurred in textile factories only. In these circumstances it would have been unreasonable to impose on non-textile factories restrictions which were not required. The changes in the law as regards the hours of employment in non-textile factories will therefore be concerned solely with the midday stoppage, and the weekly holiday, and are not of a drastic character. At the same time, however, it is proposed to take power to extend by notification to non-textile factories any of the special provisions of the law relating to textile factories should circumstances make this course necessary.

" In all textile factories, the hours of work of all operatives will be limited to twelve in any one day. This being so, the main reason for creating a class of young persons or for extending the hours of employment of women disappears. The working day of children will be limited to six hours in textile factories, this change being a natural corollary to the imposition of a twelve hours day for adults. The employment of women and children, and also of adult males in factories, where the shift system is not in force, will be prohibited except between 5-30 A.M. and 7 P.M. Special exemptions will, as proposed by the Commission, be granted to cotton-ginning factories and to cotton and jute presses. These are the main proposals which have been put forward.

" With the remainder of the Bill I will deal as briefly as I can. Considerable difficulties have been found in enforcing the provisions of the existing law as regards the employment of children. It is notorious that flagrant illegalities in this respect are common in some provinces, and it is therefore essential that the law should be strengthened. We have accepted two important measures proposed by the Commission, (i) that certificates of age and physical fitness before employment should be demanded from all children who are actually employed in a factory, and (ii) that when a child over the age of six is found in any factory, he shall be presumed to be actually employed until the contrary is proved. Another proposal that the certificate of age given by the certifying surgeon should be accepted as conclusive evidence of the age of the child has been considered open to objection and has not been accepted, and we have also thought it inadvisable to give effect to the proposal that if a child over thirteen years of age is certified to be physically fit to be worked as an adult, and can produce a certificate shewing that he has passed a certain educational standard, he should be allowed to work for twelve hours.

" The existing Act contains no substantive provisions for the health and safety of operatives except those which concern the fencing of machinery. The Commission proposed the insertion in the law of a number of provisions borrowed from the corresponding provisions of the English Act or based on existing rules of Local Governments on the subject. All these proposals, with the exception of one which it is thought can better be dealt with by rule, have been accepted, and a new provision with regard to lighting has been added.

" An important change has been made with regard to the responsibility for infringements of the law. The present Act endeavours, not with much success it is understood, to fix the responsibility upon the occupier. The Commission

submitted proposals for making that responsibility effective. That some changes are required does not admit of any doubt, but it has been thought better on the whole to abandon the attempt to make the occupier, who in many cases is a Joint Stock Company, personally responsible, and instead it has been decided to fix the responsibility on the manager of the factory in every case. It is hoped that the provisions of the law have been so drafted that evasion will in future be impossible.

"The proposal that a Chief Inspector of Factories should be appointed for all India met with a considerable amount of opposition from Local Governments and the Government of India have decided that on the whole such an appointment is neither necessary nor desirable. Various amendments have, however, been made giving the Inspectors of Factories additional powers which experience has shown to be necessary for the proper discharge of their duties.

"Before I close, there are two other matters to which I wish to refer. If Hon'ble Members will examine the provisions of the Bill, they will see that certain clauses, particularly clauses 21, 23, 28, 29 and 30, provide that the provisions of the Bill shall not apply to cases exempted from their operation by rule or notification. As the Act could not be worked without these exceptions, it is essential that the rules to be made and the notifications to be issued should come into force simultaneously with the Act itself. It is the intention of Government that this should be done, and arrangements will be made accordingly. A letter is about to be issued to Local Governments on the subject, and the public generally will have a full opportunity of expressing their opinion with regard to the rules before any final decision is arrived at. I understand that some of the mill-owners would have preferred that such exceptions should find a place in the substantive law. That is a matter which can most appropriately be discussed in Select Committee, but I may point out that inasmuch as it would be impossible for Government to frame a comprehensive list of exceptions which would never require amendment or revision, it would be necessary in any case to take power to make such exceptions by rule. It seems better, therefore, on the whole and more convenient that all exceptions should find a place in the rules.

"The second remark I wish to make is this. I hope that factory owners will give us their assistance in settling finally the provisions of the proposed law. I can hold out no hope that the decisions already arrived at on important questions of principle will be reconsidered. Conclusions which are based on the matured results of an inquiry lasting for four years cannot be hastily reversed. But it is possible that the drafting of the Bill might be improved, and that we have not always succeeded in meeting the legitimate requirements of the factories. We cannot hope to put the law into a thoroughly practical and workable shape unless we have the assistance of those who are familiar with the details of factory working and who will have to comply with the provisions of the law when it is passed. It is not proposed that the Bill should be referred to a Select Committee now. It will, however, be published so that everyone concerned may have ample time to examine it and to suggest amendments, and in due course it will be referred to a Select Committee which will have to deal with the amendments which by that time may have been put forward."

The motion was put and agreed to.

The Hon'ble MR. HARVEY introduced the Bill to consolidate and amend the law regulating labour in factories.

The Hon'ble MR. HARVEY moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

#### INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble MR. HARVEY moved for leave to introduce a Bill further to amend the Indian Companies Act, 1882. He said :—"I need not detain Council with any lengthy explanation of the amendments to the Companies Act which I am now proposing. The Indian Companies Act is an obsolete Act; we have for some time past recognised that it stands in need of considerable amendment and revision and have only deferred taking the necessary action because a similar measure regarding the consolidation of the corresponding English Act was still under consideration. As a result of the passing of the English Companies Act of 1908, we are now in communication with Local Governments and commercial bodies as to the amendments which should be made in our Indian Act, but we cannot hope to introduce the amending measure for some little time, and in the meanwhile our attention has been drawn to two points of importance in which the present Companies Act is defective and in respect of which early action is desirable. The English Act contains a provision permitting the payment of dividends out of capital during the period of construction. In India there are enactments enabling such payments to be made in the case of railways and tramways. Hitherto the need of extending this provision to industrial undertakings has not been felt in India, but recently we were approached by an Indian firm, who are undertaking two important industrial enterprises in India, with a request that they might be permitted to pay interest out of capital during the period of the construction of the works and buildings connected with their ventures. This request is a reasonable one and we have accordingly taken steps to amend our Act on the lines of section 91 of the English Companies (Consolidation) Act, 1908.

"The second amendment provides for the re-issue of redeemed debentures in certain cases.

"This measure is necessary to protect purchasers of debentures issued by Joint Stock Companies in India from any risks arising out of questions concerning the validity of debentures at the time of their purchase. It has been pressed upon us by the Madras and Bombay Chambers of Commerce and will place our law in respect of this particular matter on the same footing as the English Statute."

The motion was put and agreed to.

The Hon'ble MR. HARVEY introduced the Bill.

The Hon'ble MR. HARVEY moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

## INDIAN ELECTRICITY BILL.

The Hon'ble MR. MILLER moved for leave to introduce a Bill to amend the law relating to the supply and use of electrical energy. He said :—  
“ In making the motion which stands in my name, I wish to avoid, as far as possible, all purely technical matters, but some explanation is necessary as to why it has been thought right to supersede a measure passed into law only six years ago.

“ Electrical enterprise is still in its infancy in this country, and the Act of 1903 was the first attempt made to deal with the subject on broad and general lines applicable to the country as a whole. The necessity for such an Act was impressed on the Government by the commercial community, but in the state of our knowledge of the conditions as they existed then, great difficulty was experienced in framing a suitable measure, which, on the one hand, should place no unnecessary obstacles in the way of the development of a great industry and, on the other hand, should allow of a suitable measure of control in the interests of the public. The difficulties of detail proved indeed to be so great that it became a question whether the Bill should not be postponed until further experience had been gained, but it was thought better to proceed with the measure even if it should be found to be imperfect, than to leave matters in a state of doubt. Of the wisdom of this decision there can, I think, be no doubt, and the measure that was passed has given electrical enterprise definite legal recognition, and has, though there have been complaints of delay and obstruction, on the whole, worked well. From time to time, however, points of doubt and difficulty arose, and in 1907 a Committee was appointed to consider how they could best be met. The most important of these had reference to a matter of great consequence to the industry of the country, namely, the application of the Act to the supply of electricity in bulk. The existing Act made no clear provision for this, and the Council are, no doubt, aware how necessary it is to remove this defect, to allow of the development of the schemes for supplying energy in bulk which are being promoted in various parts of the country, and which are almost certain to become more numerous in future. Several minor points were also referred to the Committee; others have come to light during the discussion on their proposals, and others will, no doubt, be brought up in the examination of the Bill which I propose to now introduce. The Committee was a strong one and represented both Government and commercial interests. It met under the presidency of the Hon'ble Mr. Carnduff, whose great assistance in shaping this rather intricate piece of legislation I am glad to have this opportunity of recognising. It examined the references made by the Government with great care and submitted a report dealing very clearly and thoroughly with the intricacies of the subject. The Committee thought it right to make one very important recommendation on a matter outside the precise reference made to it, namely, the general system to be pursued in administering the Act. Under the Act of 1903, the administration was in most respects left in the hands of Local Governments, but in various important matters the authority or previous sanction of the Government of India had to be invoked. In municipal areas the Local Government granted licenses, while for a similar license in the neighbouring cantonment, reference had to be made to the Government of India. The difficulties and delays.

resulting from this dual system were pointed out by the Committee, and as a solution it was proposed that the administration of the Act should be undertaken by the Government of India. This proposal, when placed before Local Governments and Chambers of Commerce, met with considerable support in some quarters, and very strong opposition in others. It is proposed in the Bill to avoid the difficulties pointed out in a different way, namely, by further decentralising the administration rather than by centralising it. The main practical difficulty has arisen in the case of cantonments, and the Bill avoids a dual administration in such cases as far as is possible by allowing the Local Governments to issue licenses there, but only after reference to the military authorities whose powers in such places must be maintained unimpaired. The Bill therefore follows the Act in leaving the administrative authority in most matters in the hands of Local Governments, and it frees them in some cases from existing restrictions; while at the same time, to secure that uniformity which is so necessary for the encouragement of enterprise, it reserves to the Supreme Government the power of making rules, along with certain general powers of control.

"The changes in the law which it is proposed by the Bill to make are dealt with very fully in the Statement of Objects and Reasons, and I will not detain the Council except to call attention to one or two changes of special importance.

"Clause 3 of the Bill differs in an important point from sections 3 and 4 of the Act, of which it takes the place. The enabling powers formerly granted by section 4 of the existing Act were interpreted in the light of the prohibition in section 3, and were held therefore not to extend to the grant of licenses for supply of energy in bulk. To make it clear that no such limitation of the enabling powers of the Government was intended, it was at first proposed to widen the scope of the prohibition in section 3, and this was the course which the Committee recommended. It is not advisable, however, to impose prohibitions and penalties except where prohibition is inevitable; and it has been thought better to remove the general prohibition against supplying energy without a license and to substitute a new clause, which appears as clause 29, prohibiting certain action by persons who are not licensees. For a breach of this clause a substantial penalty is provided in clause 41. At the same time the provisions of the protective clauses in Part IV of the Bill have been extended so as to apply to non-licensees as well as to licensees. It is thought that these changes will, while removing certain restrictions that the existing Act places on the supply of energy, adequately guard the safety of the public, and the interests of consumers; but the point will, no doubt, be fully considered in the criticisms we receive on the measure.

"The question of bulk supply is specifically dealt with in article IX of the Schedule.

"There are other changes in matters of detail in the Bill, which are sufficiently numerous to make it advisable for the convenience of all concerned that it should take the form of an entirely new measure rather than of an amending one. They are not, however, of sufficient importance to call for special notice at this stage, and they deal with technical matters which I do not think it is necessary to explain at length."



The motion was put and agreed to.

The Hon'ble MR. MILLER introduced the Bill. He said:—"The object of introducing this measure at Simla is that it may be published, and receive the benefit of public criticisms before the Council meets in Calcutta; so that it may, after such amendment as the criticisms received may suggest, be referred to a Select Committee and if approved, be passed without unnecessary delay. Steps will be taken at once to circulate it for opinion."

The Hon'ble MR. MILLER moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

#### INDIAN VOLUNTEERS (AMENDMENT) BILL.

His Excellency THE COMMANDER-IN-CHIEF moved for leave to introduce a Bill further to amend the Indian Volunteers Act, 1869. He said that the amendment of the Act was of a purely formal nature as explained in the Statement of Objects and Reasons. It ensured that any member of the Territorial Forces who might be attached to a volunteer corps in India should be subject to the provisions of the Indian Volunteers Act during the period he was attached to such corps.

The motion was put and agreed to.

His Excellency THE COMMANDER-IN-CHIEF introduced the Bill.

His Excellency THE COMMANDER-IN-CHIEF moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and the local official Gazettes.

The motion was put and agreed to.

The Council adjourned to Friday, the 27th August 1909.

J. M. MACPHERSON,

*Secretary to the Government of India,  
Legislative Department.*

SIMLA;

*The 30th July 1909.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 28, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 27th August, 1909.

### PRESENT:

His Excellency the Earl of Minto, P.C., G.C.M.G., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir Louis W. Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., G.C.S.I., G.C.I.E., Commander-in-Chief in India.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Sir G. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. S. P. Sinha.

The Hon'ble Sir Herbert H. Risley, K.C.I.E., C.S.I.

The Hon'ble Mr. W. R. H. Merk, C.S.I.

The Hon'ble Sardar Sundar Singh, Majithia.

### NEW MEMBER.

The Hon'ble SARDAR SUNDAR SINGH took his seat as an Additional Member of Council.

## ANAND MARRIAGE BILL.

The Hon'ble SARDAR SUNDAR SINGH SAID: "My Lord, in begging leave to move that the Bill to give legal sanction to a marriage ceremony common among the Sikhs called 'Anand' be referred to a Select Committee, I would with Your Excellency's permission make a few short cursory remarks about it.

"I deem it incumbent upon me to mention that the credit for this useful measure is mainly due to the Hon'ble Tikka Sahib of Nabha, who has laboured unremittingly to work it up and to invest it with such interest as to command almost universal approval from the Sikh community both high and low.

"The ceremony was initiated by the third Guru of the Sikhs, Guru Amar Das Sahib, and the marriages of Bhai Kamlia and Matho Murari were performed in accordance therewith in the time of the third and fourth Gurus, the last of whom composed the four *Lanwans* in the Suhi Rag of the Guru Granth Sahib, the sacred book of the Sikhs. A complaint was made to Emperor Akbar and the third Guru sent his son-in-law, Guru Ram Das, to the Emperor's court. After due enquiry the ceremony was held to be legally valid, and it remained in force ever since. The sixth Guru's daughter, Bibi Viro, was married in accordance with this rite, and up to this time in the village of Chabbal (District Amritsar) every year a fair is held to commemorate this event, and on this occasion *Lanwans* are recited. Only during the reign of Maharaja Ranjit Singh this ceremony fell into partial disuse, but all the same, while it received a check from the indirect Brahminical influence of the time, it survived, though fortunately for us, in the form of widow remarriages, merely because such marriages were not recognised by the Hindu law. It however remained in vogue amongst the four sects of the Sikhs-Bihangams (Nihan-Singhs), Bandaies (followers of Baba Banda), Narankaris (the sect named after Guru Nanak Niran Kari), and last of all in the Nam Dharias (the followers of Baba Ram Singh). A revival has again set in and since the last thirty years or so several marriages have taken place in accordance with this ceremony. Among those who have performed their marriages in accordance with this rite may be counted Rajas, Sirdars, Jagirdars, Sants, Pujaris, Guru Ans (decendants of the Gurus), military officers, agriculturists and professional gentlemen. These marriages have been duly notified in the Sikh papers from time to time.

"My Lord, this form of marriage is one of the most popular forms of marriage among the Sikhs, and being simple and inexpensive is, from the point of view of economy, likely to become general among the Sikhs. Why it has not become so up to this time is due to the doubts that have been thrown upon it by interested parties as to its validity in case the marriage custom were ever to be questioned in a Law Court.

"My Lord, the Sikhs being monotheistic in belief, it is difficult for them, nay it is even against their religious belief, to follow idolatrous forms. A perusal of the opinions and petitions received in the Legislative Department of the Government of India show that the measure has had almost universal support. I observe that only a very small number of persons have sounded a dissenting note. I will, if need be, deal with their objections in the later stage of this Bill and would not, at present, take up Your Excellency's and my Hon'ble colleagues' valuable time.

"My Lord, it is necessary to save the poor and most backward Sikh community, the loyal subjects of His Majesty the King-Emperor, from the ruinous effects of litigation and also from the rather provoking insinuations of some interested parties who do not hesitate to question the legitimacy of the offspring of such marriages.

"Finally I beg leave to say that the provisions of the Bill in their present form are only permissive and I am unable to guess the reasons of those who have dissented from the provisions of a legislative measure which has the support of high Government officials, and in the words of the Punjab Government letter is 'harmless' and likely to 'prevent very costly and widespread litigation'.

"My Lord, the resolutions submitted speak eloquently of the gratitude of the whole Sikh community from the Ruling Chiefs down to the lowest rank of society to Your Excellency's sympathetic and kind Government, and I need not say that the Sikhs look fervently to the day when this Bill will become law.

"With these brief remarks I beg leave of Your Excellency to move that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Sinha, the Hon'ble Sir Herbert Risley, the Hon'ble Mr. Merk and myself."

The motion was put and agreed to.

#### INDIAN VOLUNTEERS (AMENDMENT) BILL.

His Excellency THE COMMANDER-IN-CHIEF moved that the Bill further to amend the Indian Volunteers Act, 1869, be taken into consideration.

The motion was put and agreed to.

His Excellency THE COMMANDER-IN-CHIEF moved that the Bill be passed.

The motion was put and agreed to.

#### DOURINE BILL.

The Hon'ble MR. MILLER said : "My Lord, I move for leave to introduce a Bill to provide for the prevention of the spread of Dourine, a disease which affects equine stock used for breeding purposes. In Europe and America it has been necessary to introduce stringent restrictions to check this disease; but it is only in recent years that its existence in India has been definitely established. In 1903 the question of adopting measures to prevent its spreading was brought before the Government, and it was proposed to schedule the disease under the Glanders and Farcy Act. This could not however be done, as dourine, though dangerous, is a contagious and not an epidemic disease within the meaning of section 2 of that Act. It was also considered advisable that further enquiries should be made before any legislation was attempted, and an investigation was accordingly conducted in 1905 in the Punjab and the western districts of the United Provinces by Colonel Pease, who was then Principal of the Lahore Veterinary College, and whose authority is well known. The investigation showed conclusively that the disease existed in various parts of these Provinces, that it had been the cause of much loss of valuable animals and that it threatened seriously to affect the success of horse-breeding. Enquiries have since been

made in other parts of the country, and these have fortunately shown that the existence of the disease has not as yet been detected in most Provinces. It is however of so serious a character as to make it necessary to have power to deal with it in any local areas where it may be found to exist; and a draft Bill was accordingly prepared and circulated to Local Governments for their opinion. This Bill, with the modifications thought necessary to meet the criticisms received from Local Governments, is the measure which I now ask leave to introduce. It is a purely permissive measure, and does not come into force except in areas in which a Local Government may think it necessary to direct that it should be applied. When brought into force it gives the Local Government certain powers for the registration of horses used for breeding purposes as well as for the appointment of veterinary Inspectors with powers of search and examination, and of veterinary practitioners with powers extending in certain cases, and with the approval of higher authority, to ordering the destruction of animals affected. At the same time, in order to prevent any hardship to private owners and to secure, as far as possible, their co-operation in the measures for detecting the disease and preventing its spread, provisions are included for the grant of pecuniary compensation, where loss may have been caused by the action taken under the powers given by the Bill."

The motion was put and agreed to.

The Hon'ble MR. MILLER introduced the Bill.

The Hon'ble MR. MILLER moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

#### INDIAN PAPER CURRENCY BILL.

The Hon'ble SIR GUY FLEETWOOD WILSON moved for leave to introduce a Bill to consolidate and amend the law relating to the Government Paper Currency.

The motion was put and agreed to.

The Hon'ble SIR GUY FLEETWOOD WILSON said: "My Lord, I beg to introduce a Bill for the amending of our Paper Currency law. This Bill is necessitated by the new policy in regard to the universalization of currency notes which I indicated in my Budget speech. With one important exception, our currency notes have hitherto been issued from separate circles, and are, generally, current only within these. We have four main circles of issue, whose head-quarters are, respectively, at Calcutta, Madras, Bombay and Rangoon. But there are also sub-circles of issue, with headquarters at Lahore, Cawnpore, Karachi and Calicut, and notes issued there are cashable not merely at the sub-circle offices in question, but at the head office to which each sub-circle is attached, Cawnpore and Lahore being, for this purpose, ancillary to the head office at Calcutta, Karachi to that of Bombay, and Calicut to that at Madras.

"The exception I noticed just now is in respect to the five-rupee note. In 1903 we made this universal outside Burma, *i.e.*, a five-rupee note could be



encashed at any Currency office in India proper, and in 1909 we extended this privilege to the Burma notes also, so that a five-rupee currency note is now universal, as regards circulation and encashment, throughout British India. We now, as I indicated in my Budget speech, propose to take a large further departure in this direction. We desire to make the ten-rupee and the fifty-rupee currency notes similarly universal, and we take power in the Bill now put before the Council to adopt a like method in regard to notes of even higher value, should circumstances render such action desirable. We do not propose to universalize the twenty-rupee note; its circulation is small, and it makes no progress; it is frequently confused with the ten-rupee note; and it enters into undesirable competition with the sovereign, the circulation of which in India we desire to see increased. We do not propose to call in any of these outstanding twenty-rupee notes, but we shall issue no more of them, and as those now in circulation come back to us, they will not be reissued.

"The important concession to the public involved in the universalization of the ten-rupee and fifty-rupee notes will involve additional strain on our Currency balances, and we think it legitimate and desirable to counter this to some extent by doing away with the former privilege of encashing non-universal notes issued from sub-circles at the head circles to which these belong. Hereafter, the sub-circles at Lahore, Cawnpore and Karachi will become independent circles, and non-universal notes issued from these will in future only be cashable within them. We propose, however, that notes issued within these sub-circles before the passing of the new Bill should be encashable as formerly at their respective head offices.

"The transactions of the Calicut sub-circle are now on so small a scale, that we have decided to close it. Any notes issued from Calicut prior to such closure will, however, be encashable in Madras. Concomitantly with these arrangements, we propose, as I indicated in my budget speech, to withdraw the special concessions by which notes of other circles are received in payment of Government dues, and at railways and post offices. The universalization of the ten-rupee and fifty-rupee notes will obviate inconvenience arising from these arrangements. At the same time we intend, to prevent any possible inconvenience to inland trade by the new conditions, to lower our rates for Treasury and Currency transfers as soon as the present Bill becomes law. The arrangements I have just mentioned are, however, matters for executive action, and have not, therefore, been dealt with in the Bill.

"The policy which I have thus sketched out has been decided upon after consultation with the Presidency Banks, the Exchange Banks (through their associations in Calcutta and Bombay) and important Chambers of Commerce, and has evoked general approval from all these. But in order to obtain further elicitation of public opinion, I propose merely to introduce the Bill in Simla. It will then be published for general information, and no further steps towards its passing into law will be taken until the next Calcutta session. The amendments which the Bill introduces in the existing law have been, I think, sufficiently explained in the Statement of Objects and Reasons, and I need not, therefore, take up the time of the Council in alluding to them now. I will only say that we are not altering our general Currency policy, and that the legislation now proposed merely provides the necessary instrument for giving effect to the larger universalization

of currency notes which I have now explained ; a policy which has already been so well received by the public."

The Hon'ble SIR GUY FLEETWOOD WILSON moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 10th September 1909.

J. M. MACPHERSON,  
*Secretary to the Government of India,  
Legislative Department.*

SIMLA ;

*The 27th August 1909.* }



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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SIMLA, SATURDAY, SEPTEMBER 11, 1909.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 10th September 1909.

### PRESENT :

His Excellency the Earl of Minto, P.C., G.C.M.G., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir Louis Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Mr. W. L. Harvey, C.I.E.

The Hon'ble Sir G. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. S. P. Sinha.

The Hon'ble Sir Herbert H. Risley, K.C.I.E., C.S.I.

The Hon'ble Mr. W. R. H. Merk, C.S.I.

The Hon'ble Sardar Sundar Singh, Majithia.

### ANAND MARRIAGE BILL.

The Hon'ble SARDAR SUNDAR SINGH presented the Report of the Select Committee on the Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand.

## INDIAN MUSEUM BILL.

The Hon'ble MR. HARVEY said:—"My Lord, in asking permission to introduce the Bill to amend and consolidate the law relating to the Indian Museum, I think that a brief explanation of the proposals embodied therein and of the reasons why this legislation is being undertaken may be of interest to the Council. In 1904 the Government of India made a grant of five lakhs of rupees in furtherance of a scheme for the structural improvement of the Museum and for the re-arrangement of its exhibits. Simultaneously with the scheme for the enlargement of the Museum, the Trustees had naturally to take into consideration the question of the organisation necessary for its administration. The defects of the existing system had, indeed, come more than once under the notice of the Trustees. The organisation, as it then stood, and as it now stands, is the result of compromises and expedients. The Museum includes Geological, Zoological, Archæological, Anthropological, Industrial and Art collections. The Geological collections, almost all of which are the property of the Geological Survey, are controlled by the Director of the Survey and not by the Trustees. Of the remainder, some are held in trust on behalf of the Asiatic Society, others belong to the Government of India or to the Government of Bengal: all are, however, administered directly by the Trustees through the Superintendents in charge of the Natural History section and of the Industrial section, each of whom is also a Secretary to the Trustees for his respective section. Moreover, the scientific grouping of the collections is defective; part of the Anthropological collections are, for instance, in the Natural History section, and part in the Industrial section. Finally, though the Director, Geological Survey, has in practice been a Trustee, the Superintendent of the Natural History section has no seat on the Board. The result of the defects in the existing system, the most prominent of which only I have noticed, was that the machinery of administration did not work without considerable friction.

"The Bill now before Council presents a scheme which has been drawn up by Government in consultation with the Trustees, and as its main features have been summarised in the Statement of Objects and Reasons, I need not detain Hon'ble Members with a lengthy explanation of its details. I will however point out that it has received the unanimous support of the Trustees, and is intended to secure that the Museum shall be in a position thoroughly to carry out its work of research without losing its character as an educative institution for the benefit of the general public. With this object in view it is an integral part of the scheme to group the sections representing the different sciences under experts, each of whom is to be given a free hand in the development of the particular subject with which his section is concerned. At the same time uniformity of management throughout the institution will be secured by the powers of inspection and general control vested in the Trustees.

"This scheme appears to give every prospect of improvement in the general work of administration whilst maintaining the scientific efficiency of each section of the Museum. Legislative action is necessary to carry it into effect, since it involves the handing over by the Trustees to the head of each section, as an indefinite loan, of the exhibits which have been held in trust by them on behalf of the Government of India and the Asiatic Society. An amendment of the Act is also necessary to alter the constitution of the Trust since it is intended that the head of each section should have a seat on the Board, the

absence from the present law of such a provision having, as I have already pointed out, resulted in not inconsiderable friction. At the same time, in view of the difficulties experienced in the past as a result of the unwieldy character of the Board, we have reduced the number of Trustees to 17, and we provide in the new constitution of the Board for the representation of the Bengal Chamber of Commerce, the British Indian Association and the Calcutta University as well as of the Asiatic Society. The representation of the Government of Bengal, which has a large interest in the Museum, is effected by giving that Government the nomination of three Trustees, in addition to the Principal, School of Art, and the Accountant-General, Bengal; and finally the Trustees will have the power to co-opt three members.

"My Lord, I move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble MR. HARVEY introduced the Bill.

The Hon'ble MR. HARVEY moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and the Calcutta Gazette.

The motion was put and agreed to.

The Council adjourned to Friday, the 8th October 1909.

J. M. MACPHERSON,

*Secretary to the Government of India,*

*Legislative Department.*

SIMLA;

*The 10th September 1909.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 30, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 & 1899 (24 & 25 VICT., CAP. 67. AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 22nd October, 1909.

PRESENT:

His Excellency the Earl of Minto, P.C., G.C.M.G., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir Louis Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab.

His Excellency General Sir O'Moore Creagh, V.C., K.C.B.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Mr. W. L. Harvey, C.I.E.

The Hon'ble Sir G. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. S. P. Sinha.

The Hon'ble Sir Herbert H. Risley, K.C.I.E., C.S.I.

The Hon'ble Sardar Sundar Singh, Majithia.

### ANAND MARRIAGE BILL.

The Hon'ble SARDAR SUNDAR SINGH moved that the Report of the Select Committee on the Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand be taken into consideration.

The motion was put and agreed to.

\* NOTE.—The meeting of Council which was fixed for the 8th October, 1909, was subsequently postponed to the 22nd October, 1909.

The Hon'ble SARDAR SUNDAR SINGH moved that for clause 5 of the Bill as amended the following be substituted, namely :—

"5. Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal."

He said that the amendment was intended to bring the wording of the clause into conformity with that of clause 5 as approved by the Select Committee.

The Hon'ble MR. SINHA said :—"I support this amendment on behalf of the Government. A great deal of misapprehension seems to have arisen with regard to the clause as passed by the Select Committee. Your Lordship will notice that the marginal note to that section is 'Non-validation of marriages within prohibited degrees,' and it clearly was the intention of the Select Committee, by section 5 as they drafted it, to do nothing to affect the validity of any marriages except those prohibited by reason of consanguinity or affinity. I admit that there was some ambiguity in this section which has now been removed by the amendment proposed by my Hon'ble friend. It never was the intention of the Select Committee to prohibit, for example, widow marriages which we all know are perfectly legal among the Sikhs, and it is not the intention that any marriage which is legal now should be made illegal by the present Act, and therefore the amendment now proposed that the restriction should relate only to such marriages as by the customary law of the Sikhs are illegal by reason of the consanguinity or affinity existing between the parties to the marriage.

"There is one other matter, which I should like to explain, with regard to which there has been a great deal of misapprehension. As originally drafted we had the words 'personal law of the Sikhs' in the section. A good many persons thought that, by reason of the decision of the Privy Council in a recent and well-known case, that would mean Hindu law pure and simple. That clearly was a misapprehension, and a somewhat inconceivable misapprehension, because the very case which spoke of the personal law of the Sikhs as being Hindu law went on to explain that they meant not merely the law as contained in the Shastras but also customary law. In fact, there is an Act of the Legislature—the Punjab Laws Act, 1872—which makes it perfectly clear that the personal law of the Sikhs means their customary law. However, in order to satisfy people who may still be in doubt about the meaning of the words, we have changed 'personal law' into 'customary law.' "

The motion was put and agreed to.

The Hon'ble SARDAR SUNDAR SINGH said :—"My Lord, before I move that the Anand Marriage Bill may be passed into an Act, I beg leave to say a few words to clear up certain misconceptions as to its scope and object and try to remove all possibility of misunderstanding as to its nature.

"It has been urged that a Legislative Act is not necessary merely to validate the Anand form of marriage, as such marriages are already recognized by custom and held valid by the Punjab Laws Act. It should not, however, be forgotten that in the case of Sardar Dyal Singh, Majithia, the only case that went up to the Privy Council, it was held that Sikhs were governed by the Hindu law, and it might be contended that this ruling makes the Hindu form of marriage as the only legally valid one for the Sikhs. Then again those who urge the validity of the Anand marriage as a recognised custom in the Punjab as a reason against

the passing of the Bill forget that the Sikhs are no longer confined to the Punjab. They have spread not only all over India and Burma, but are to be found in all parts of the world. We have now Sabhas, Dharmshalas and Gurdwaras and an ever-increasing number of Sikhs in the United Kingdom, United States of America, China, British Africa and other parts of the world. The number of Sahajdharis, an important section of the Sikh community, in other parts of India besides the Punjab is on the increase. All these places being outside the Punjab could not be governed by the customary law applicable to the Punjab. Even in our Province the existence of the custom may be challenged in every district and in every case and for every sub-section of the classes from which Sikhs are drawn. The trouble, the expense, the uncertainty which the necessity of obtaining a judicial decision in such cases would entail can be easily imagined. At best it is an uncertain and a wearisome method of dealing with such a vital question as marriage, affecting a whole community.

"My Lord, Sikhism is a monotheistic and a proselytising religion; men of all castes and creeds are welcome into its fold. Sri Guru Amar Das Ji made a condition that those who wished to see him or came to seek his spiritual aid must interdine and receive food from a common kitchen before they could be received by him. Sri Guru Govind Singh Ji emphasized this still further, and the disciples at the time of initiation had, and have up to this time, to eat out of a common plate; thus practically abjuring all ideas of the distinction of caste and recognizing Sri Guru Govind Singh Ji as their father and joining the brotherhood as members of one family. The teachings of the Gurus clearly enjoin the discarding of the caste system. Say the Gurus:—

- (1) What is there in caste; truth alone is recognized.
- (2) Look for godliness; challenge not one's caste, for caste availeth not hereafter.
- (3) Worthless is caste and worthless (conceit of) name.
- (4) Be not proud of caste, oh ignorant fool; this caste leads to innumerable evils.

"I am sure Your Excellency and my Hon'ble Colleagues will agree that a proselytising religion like that of the Sikhs, which draws converts from all castes and creeds, cannot be ruled for ever by the Shastric law. The latter does not cover the case of men and women drawn from other religions and communities into the all-embracing fold of Sikhism, bringing their own personal law with them. Hindu law does not recognize them. Naturally in such cases custom plays a great part, and unless it is recognized by a Legislative Act it can be challenged in every case, leaving the Sikhs the long and weary task of building up, by expensive litigation, a fabric of 'custom judicially established.' As has been wisely observed by the Punjab Government, 'legislation which has for its object the resolving of doubts which embarrass and perplex a whole community in connection with one of the most important observances of civil life can hardly with justice be stigmatized as unnecessary.'

"My Lord, it has been said that the Bill when it passes into law will not be any advance on the marriage law which prevails at present. The opinion expressed by the Hon'ble Justice Shankaram Nair of the Madras High Court that—

- (a) there should be some age limit,
- (b) polygamy expressly prohibited,

(c) some kind of evidence of marriage prescribed,

(d) laws of divorce made clear, and

(e) imprisonment for restitution of conjugal rights done away with,

is worthy of all respect and is probably shared by a large number of enlightened members of the Sikh community. But social reform among the Sikhs is not confined to an educated few; it affects the entire mass of the Sikh population, and as long as there is not a general desire on the part of the whole Sikh community for such social legislation as is indicated by the Hon'ble Justice Nair it will not be right for us to ask for social legislation of the kind. Reforms like these are certainly dear to our heart, but these ought to be carried on for a sufficient length of time before their recognition can be sought for at the hands of the Government. It would not do to force reforms which may be considered as mere innovations by those for whose benefit they may have been intended. Let us hope that with the expansion of female education amongst the Sikhs the desire for a higher kind of marriage law will grow and express itself, and the present Act may serve as a framework for building up a marriage law worthy of a God-fearing and progressive community like that of the Sikhs.

" My Lord, since the Report of the Select Committee has been published, it has been said by some critics that the Act does not go far enough; that sections 4 and 5 are undesirable; that the term 'Sikh' has not been defined. The Select Committee considered it necessary to insert clause 4 to make the permissive nature of the Bill clear. No form of marriage can, in a community like ours, well be made obligatory, and it is but just that the doubts of those, who somehow or other cannot distinguish between an idolatrous custom which by the way is not in consonance with the monotheistic teachings of the Gurus and a purely rational rite which is totally in consonance with the teachings of the Gurus, should be for ever set at rest.

" Section 5—it was feared—would stand in the way of inter-marriages between the different sections of the community, and has, with Your Excellency's kind permission, been so modified as to meet the objection. The term 'Sikh' as used in this Act, to my mind, includes the Sahajdharis, Keshadharis and all those who believe in the teachings of the Sri Guru Granth Sahib as their religion, and I hope that I shall be supported in this view by my Hon'ble Colleague the distinguished Law Member.

" My Lord, the Bill before the Council is a small and a harmless measure. It is permissive in its nature; it creates no new rights; it legalizes no new ceremonies; nor does it disturb any established customs, rights or ceremonies. I have already pointed out in my introductory speech on the 27th August, 1909, that the form of the Anand marriage dates almost from the rise of the Sikh people; that it received sanction from Sri Guru Amar Das Ji, the third Guru of the Sikhs, and is not a new idea as some people allege.

" My Lord, the Bill has been nearly a year before the public. It has not gone uncriticised, but on the whole has received general support from officials, non-officials and the Sikh public. In the words of the Punjab Government, 'persons from the Raja of Jhind to the village chaukidar' have spoken in its favour. More than one hundred and twenty Sikh public bodies have expressly written in its favour, and in addition to this a very large number of petitions

containing many thousands of signatures have been submitted to Your Excellency's Government in its support. The Chief Takhts and Gurdwaras of the Sikhs have given their warm support to the Bill. The Manager of the Golden Temple has also expressed an opinion in its favour. On the whole, there has never been such unanimity over a private Bill. Some of the Pujaris and Grunthis of Amritsar, probably having misunderstood the nature and scope of the Bill, have raised certain objections; but these have been amply met and explained in different other representations coming from the Pujaris of the Golden Temple itself, other Gurdwaras and other religious Bhaikhs of Amritsar and Tarantaran under the signatures of a large number of signatories received by Your Excellency's Government. The opposition, small as it is, appears to have laboured under a misapprehension as to the scope of the Bill and its necessity. The Statement of Objects and Reasons appearing above the signature of the Tikka Sahib of Nabha defines clearly the scope of the Bill. Its object is (a) to set at rest doubts which may be raised as to the validity of the marriage rite of the Sikhs called Anand, which is an old form of marriage prevailing amongst them, (b) to save the Sikhs performing marriage in this form from great difficulties and heavy expenses of litigation in Civil Courts to prove their custom, and (c) to avoid the uncertainty that some of the judicial officers may have as to the validity of this orthodox Sikh custom. It is therefore desirable to set all doubts at rest by passing this enactment merely validating an existing rite and involving no new principles.

" My Lord, the Bill is merely a permissive measure; it affects only those who wish to avail themselves of it and disturbs no custom, law or tradition. The thanks of the Sikh community are due to Your Excellency for the permission to introduce the Bill; to His Honour the Lieutenant-Governor of the Punjab for his kind support; and to the Tikka Sahib of Nabha for his solicitude for his people. Last, but not the least, my thanks are due to the Hon'ble the Law Member for his co-operation and moral support. His presence in the Council is not only a source of strength to a foreign Government, but inspires confidence in all classes of the community, and is a guarantee of the wholesomeness of any social legislation which has his valuable support.

" The Bill, though simple in character, indicates an advance on the ordinary Hindu marriage; the recognition of widow marriages, and the performance of the same ceremony as in other marriages in the case of widow marriages is a gain not lightly to be passed over. The explanation of the sacred and solemn import of the marriage and of the duties of married life, and the personal and spiritually solemn contract between the parties made in the presence of the Guru Granth Sahib Ji which generally forms part of the Anand ceremony of marriage, raise it far above the level of other ceremonies which have degenerated into empty rituals and unmeaning recitations so far as the persons principally affected are concerned. The reduction of the marriage expenses and the simplification of the whole ceremony is a moral gain, which I venture to say is of no small value.

" Now, my Lord, it only remains for me to formally move that the Bill may be passed into law. I can safely say that Your Excellency by giving the measure your assent will be gratifying the wishes of the vast majority of the Sikh community including the very flower of the native army, and would help the cause of social, moral and economic reform among the Sikhs. I trust that in the ripeness of time the seed of reform sown under the kind auspices of Your



Excellency will grow and prosper and serve to remove all social disabilities and work for the establishment of equal rights of men and women alike. I need hardly say that Your Excellency shall for ever be remembered by the Sikhs, the loyalest and the bravest soldiers of the Empire, with feelings of unfailing gratitude.

"I move that the Bill, as now amended, be passed."

The Hon'ble MR. SINHA said:—"There is only one word I should like to add to what has fallen from the Hon'ble Member in charge of the Bill, and that is with reference to section 3. A good deal of criticism has been directed towards this section, and we have had a number of applications made to us for the purpose of enumerating, so to speak, different classes of Sikhs under that section. It was obviously impossible for us in the Select Committee to accede to the suggestion, and we thought it was not necessary, because I find from the decision of the highest Courts in the country that the word 'Sikh' includes the various classes of Sikhs. To attempt to enumerate them all or to put them into any one class was, the Select Committee thought, absolutely unnecessary and in fact dangerous and contrary to the interests of the persons concerned."

The Hon'ble SIR HERBERT RISLEY said:—"My Lord, as a member of the Select Committee which has given its final shape to the Bill, I desire to say a few words on two points. One is the proposal that was made to us that the ceremony of marriage should be defined in the Bill, and the other is the proposal to which the Hon'ble the Law Member has just referred that the term 'Sikh' should also be defined. Now as regards the question of the marriage ceremony, it happens to be a subject to which I have given a good deal of attention. I have been present at Hindu marriages and have written minute descriptions of several kinds of ritual. The first thing that strikes one is how extremely fluid and variable the ceremony is, and what difficulty there is in determining which is the most material portion of it. Some authorities say that the essential factor is the seven steps taken by the bride round a sacred fire; others that the validating portion is the smearing of vermillion on the forehead at the parting of the bride's hair; others again say that the important thing is the binding together of the wrists of the bride and bridegroom. Over and above these there are numerous ceremonies, known by the generic term of *stri achar*, which are usually performed in the female apartments of the house. If the ritual were set out in the Bill, it would be open to any one to say that the most minute portion of the ceremony is essential, and that its omission will invalidate the marriage. This is no imaginary objection. I remember many years ago trying a very big and important civil case. One of the main issues in the case was whether a particular lady had been validly married or not. A mass of evidence was given, elaborate text-books were cited, witnesses were cross-examined on the question of how many steps were taken by the bride, whether the fire was properly prepared, whether the materials were really sacred, whether the proper amount of vermillion had been smeared on her forehead, and so forth. I submit, Sir, for these reasons, that it would be absolutely out of the question for us to attempt to embody in this Bill anything so complicated and variable as marriage ritual is bound to be.

"Now, as to the second point, the definition of Sikhs. Several parallel questions came before me when I was Census Commissioner for India. There is, for example, a very large and influential body in Bombay known as Lingayats, who started with the humanitarian doctrine that all men are equal, or at any rate for the purposes of the Lingayat sect ought to be equal. Later on the idea of caste came in, and when I was concerned with the question they sent in memorials asking that Lingayats should be entered not as such but that each and every kind of Lingayat, such as Brahmans, Kshatriyas, Vaisyas, and so forth, should be separately shown in the census. I declined to entertain the idea for very much the same reason for which I think we are right in declining to enumerate the varieties of Sikhs, namely, Sahajdharis, Amritdharis, etc., in this Bill. If you proceed by way of enumeration, you leave it open to anybody to contend that a person who does not belong to one of the categories named in the Bill is not a proper Sikh. And from what one knows of the history of the Sikhs, and from what my Hon'ble friend has told me lately of Sikhism, it was originally a brotherhood of men whose belief was that all men were equal. Later on, under the influence of the Dogra rulers of the Punjab, the idea of caste crept in and broke them up. They now desire—and perhaps this Bill will promote that end—to restore the ancient purity of the original faith; they desire to make themselves into a united community containing the germ of nationality and no longer split up into castes. That ideal is in accordance with the general trend of modern feeling in India; it is an ideal that makes for union and not disunion, and on that ground, it may claim to command our cordial sympathy."

His Honour THE LIEUTENANT-GOVERNOR said:—"My Lord, after the full explanation of the objects and reasons for this Bill which has been given by the Hon'ble Sardar Sundar Singh, and the remarks which have fallen from the Hon'ble Law Member and the Hon'ble Sir Herbert Risley, I do not desire to weary the Council with general remarks which for the most part would be a repetition of what has already been stated in the letter of 20th April, 1909, from the Government of the Punjab. I then recognised that, though it was almost voiceless, there was a party in the Sikh community opposed to the Bill, and that this party consisted mainly of Sikhs taken from the higher Hindu castes, and that it was probably not unimportant in numbers or influence, though it had not then come forward to denounce the measure.

"It is usually the reformers who are most active and vocal in pushing their proposals, while conservative opinion, especially in this country, is not so quick to make itself known. The discussions about the Bill have shown how well organised is the Sikh reform party. The word goes forth and petitions practically identical in substance pour in from all parts of the world. The conservatives only move later, but their opinion is none the less important, though it is not so easily ascertained, and it is not so liable to sudden changes as that of a party advocating new ideas and largely directed from a common political centre. The experience gained in the controversy which has arisen over the measure shows how careful we must be not to take the public utterances of a reforming party as the opinion of the whole of a community. Here apparently the Sikhs were unanimous in favour of the original Bill, but those in touch with the people knew that such was not the case, and very prudently, I venture to think, a provision

was inserted making it clear that the Anand ceremony was not obligatory on all Sikhs. Some of the reformers cry out for the removal of this provision, and I am afraid that their object must be to endeavour to impose their views on all their co-religionists, as otherwise the existence of the provision is not only harmless but beneficial as resolving doubts, which is the main purpose of this legislation. Difficulties have already arisen as to the position of persons married by the Anand ceremony at the Darbar Sahib at Amritsar, the centre of the Sikh faith, and it would be fatal to accentuate those difficulties, which might split the whole Sikh community on a vital point, by trying to give this Bill a more obligatory turn, as some of the reformers apparently desire, by omitting clause 4 and styling the measure the Sikh Marriage Act.

"At the same time I must confess that my sympathies are largely with the promoters of the Bill, for the reasons that it marks an important step in social reform, and that it may bring about a possible, nay probable, decrease in marriage expenditure, which is one of the main causes of indebtedness in this Province. I join Sardar Sundar Singh in regretting that it was not possible in this measure to raise the age of marriage under the Anand ceremony, and to provide a system of marriage registration. On these points, however, we must have regard to the silent opinion of the masses of the community, and we must wait until that opinion has unmistakably declared itself in favour of these reforms. As, however, the Anand ceremony is not necessarily preceded by a formal betrothal, it is more difficult to prove such a marriage than an ordinary Hindu marriage of the orthodox type. Registration of such marriages is therefore very desirable, and I hope that the leaders of Sikh opinion will soon see the necessity for resorting to some such form of registration as has been successful in the case of somewhat similar Muhammadan marriages in the south-western portion of the province, where District Boards have undertaken the maintenance through qualified persons of marriage registers with the result of saving the people much civil and criminal litigation with its accompanying evils.

"A description of the Anand ritual in a permissive and enabling measure of this type would be out of place and embarrassing, and I am glad that the Select Committee have not acceded to the requests of some of the opponents of this Bill, who apparently desired to introduce a further element of doubt and discussion by defining ritual in a civil measure.

"One very important matter has been noticed by the Hon'ble Member in charge of the Bill, and that is what is meant by the term Sikh. The introducer of the Bill, the Tikka Sahib of Nabha, had no doubt on the point, and no more had his supporters or the Punjab Government in suggesting that the measure should be admitted to Council. All these authorities, then, clearly recognised that the term included all persons who belonged to the Sikh faith and took the tenets of their religious belief from the writings known as the Sri Guru Granth Sahib. Many of the principal supporters of the Tikka Sahib were Sahajdhari Sikhs, or those who have not taken the *pahul* and become Singhs. Some of the leading men who have been married in recent years by the Anand rite belong to the same class. There are numerous sub-sections of the Sikhs, as there are of every other religious creed in the world, but all are Sikhs if they accept the

fundamental test of the religion and base their belief on the teachings of the Sikh Gurus as embodied in the Granth Sahib.

"Why the idea should have arisen that all persons other than Singhs would be excluded by the wording of the Bill from its benefits I am at a loss to understand. However, I trust that after the explanations given all doubts on the point will be removed, and that any Sikh or religious follower of the Gurus will be free to adopt the Anand ritual, if he so desires, without risk of the validity of his action being called into question.

"The slight modification made in clause 5 of the Bill seems desirable in view of doubts generally expressed as to the construction which the Courts might put upon the phrase 'the personal law of the Sikhs,' and as to the meaning of the clause as originally drafted.

"Finally, I would only refer to the opinion, which has been expressed by some of the advanced reformers and also by some of the Sikhs who desire to adhere to more conventional forms, to the effect that it would be better to drop the Bill than to pass it in its present form. In April last I foresaw that there might be trouble over the measure, and the Government of India was addressed to the following effect :—

'In conclusion, I am to say that in Sir Louis Dane's opinion the Tikka Sahib's Bill, with such minor amendments as have been suggested above, has behind it the popular support of the vast majority of the Sikh community, that it in no way infringes the civil, social or religious rights of the minority who are opposed to it, that it affords the basis for a valuable social reform in the direction of the reduction of marriage expenses, and that from a legal point of view it is, if not strictly necessary, at any rate harmless, and may prevent very costly and widespread litigation. It is perhaps unfortunate that the Tikka Ripudaman Singh should have raised the question at all, but as he has done so, and as he is supported by the great body of his co-religionists, and as it would probably cause serious popular discontent if no action is taken in the matter of the Bill, the Lieutenant-Governor considers that it should be passed into law.'

"I have nothing to add to those remarks. I believe that the opinion of the great mass of the Sikh community is in favour of the measure, which is a compromise between the views of the more advanced reformers and the ultra-conservative section. It will be a pity if the people get the idea that the legislative machinery of Government cannot help them in their difficulties, or that the clamour of a noisy minority is sufficient to divert and obstruct the wish of Government to give effect to a measure embodying a social reform desired by the great majority of a given community. The Anand form of marriage is practised already; it is decent, decorous and distinctive; and the controversy that has arisen shows that there is a disposition in certain quarters to question its validity. The case for legislative action then seems to be made out, and speaking with a full sense of responsibility as the Head of a Province of which the Sikh community is one of the most distinguishing and distinguished features, I can only say that I should regard it as unfortunate if this permissive and doubt-resolving measure were not now to become law."

The motion was put and agreed to.



## CENTRAL PROVINCES COURTS (AMENDMENT) BILL.

The Hon'ble SIR HERBERT RISLEY moved for leave to introduce a Bill to amend the Central Provinces Courts Act, 1904. He said:—"The legislation which it is now proposed to undertake has formed the subject of discussion with the Local Government for some years past. The general development of the Central Provinces, and in particular the growth of commercial interests and industrial enterprise, have added to the bulk of litigation and to the intricacy of the cases that come before the Courts. It has already been found necessary permanently to strengthen the Court of the Judicial Commissioner by two additional Judges. The Bill accordingly declares that the Court shall consist of three Judges and further takes power for the Governor General in Council to add to their number. This declaration will give to the additional Judges the position of Judges of the High Court for the Central Provinces, and will render applicable to the Court the provisions of sections 377 and 378 of the Code of Criminal Procedure which require the concurrence of two Judges for the confirmation of death sentences. In order to guard against a conflict of rulings and to secure final decisions on matters of importance, provision is made for the reference of certain classes of questions to a Bench of two or more Judges, and for the hearing by such Benches of important cases in the manner that has been found to work well in Burma. The growth of civil judicial business has also rendered it necessary to enlarge the original jurisdiction of the Munsifs and Subordinate Judges. The pecuniary limits of this jurisdiction in the Central Provinces have hitherto been lower than in most other parts of India, but the personnel of the lower Courts has recently been greatly improved, and it is thought desirable to extend their powers."

The motion was put and agreed to.

The Hon'ble SIR HERBERT RISLEY introduced the Bill.

The Hon'ble SIR HERBERT RISLEY moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and in the Central Provinces Gazette.

The motion was put and agreed to.

*Reformed Councils.*

His Excellency THE PRESIDENT said:—"I do not know if my Hon'ble Colleagues have realised that to-day's meeting of Council is the last occasion upon which we shall assemble in accordance with the organisation which has existed for nearly 48 years.

"The first Legislative Council met in January 1862, in the time of Lord Canning, and to-day we can look back upon the administration of 13 Viceroys who, with the assistance of the ablest colleagues that the Indian Civil Service and the Army could produce, have ruled India for nearly half a century.

"In 1892, as you are aware, the original Councils and the character of their composition were considerably altered, and we are now about to make a still further advance in our machinery under the Indian Councils Act of 1909, based upon greatly enlarged Councils and a much wider recognition of elective principles. We may, I think, look back with just pride on the great services our



predecessors have rendered to India always under the strain of very heavy work and often in the face of great difficulties, and I earnestly hope that we may be able to follow worthily in their footsteps supported by the ever-increasing trust and assistance of the people of India."

The Council adjourned *sine die*.

J. M. MACPHERSON,

Secretary to the Government of India,  
Legislative Department.

SIMLA;

The 26th October, 1909. }

(6/80)